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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 19, 1996 - Issue 16: Through	March 31, 1996
July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Animal Diagnostic Laboratory Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3) Section Numbers: Proposed Action:
110.10 Amended
110.90 Amended
- 4) Statutory Authority: Animal Disease Laboratory Act (510 ICS 10)

5) A Complete Description of the Subjects and Issues Involved: An amendment to the Animal Disease Laboratory Act (P.A. 94-03, effective January 1, 1998) requires that the Department of Agriculture deposit the samples of the "fees for testing non-agricultural samples will be deposited into the Illinois Department of Agriculture Laboratory Services Revolving Fund. Testing fees are already established in this Part.

A fee is being established for the CEISA test for equine infectious anemia. This test is a special one-hour test that is being offered as an alternative test and will have to be requested by the submitting veterinarian.

The Johnes ELISA test will be added to the Animal Disease Laboratory in Centuria as a result of the new Johnes's Herd Certification Program. The Johnes's ELISA test is one of the official tests under this program and is not currently offered at the Centuria laboratory. The laboratory will be certified to conduct the test by January 1, 1998.

- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 16, 1997 at 10:00 a.m., Springfield, Illinois, State Capitol Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Written comments and mail written comments on the proposed rulemaking to the attention of:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Veterinarians and others requesting laboratory services
- B) Reporting, bookkeeping or other procedures required for compliance: Fees are being established for the CEISA test for equine infectious anemia and the ELISA test for Johnes's disease. The CEISA test is a special one hour test that will be offered as an alternative test and must be requested by the submitting veterinarian. The Johnes's program is voluntary.
- C) Types of professional skills necessary for compliance: No additional professional skills are necessary

- 13) Regulatory agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER 1: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER 01: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110

ANIMAL DIAGNOSTIC LABORATORY ACT

Section	Definitions
110.10	Submitting Specimens
110.20	Payment For Laboratory Services
110.30	Tests Not Covered By Fee Schedule
110.40	Minimum Fees
110.50	Buthanasta Fees
110.60	Clinical Pathology Fees
110.70	Histopathology Fees
110.80	Histology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees
110.140	Liquor Control Commission Fees

AUTHORITY: Implementing and authorized by the Animal Disease Laboratory Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 9721, effective March 22, 1985; amended at 10 Ill. Reg. 19638, effective January 1, 1985; amended at 10 Ill. Reg. 9731, effective January 1, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 235, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 110.10 Definitions

"Accession" is one animal or group of animals or samples from the same location, representative of a single disease or disease problem, and received at the laboratory on the same day.

"C" indicates the test is performed at the Animal Disease

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Laboratory--Centralia.

"C" indicates the test is performed at the Animal Disease Laboratory--Galesburg.

Non-arterial samples include all samples of municipal and private water submitted for probability testing and/or chemical bacteriological screening all samples from members of the canine or feline species for any type of procedure or testing all samples submitted for meats chemistry analysis, other than those submitted by Illinois Department of Agriculture personnel, and all environmental samples (soil, water or vegetation) not involved with production of a cash or feed crop.

"S" indicates the test is performed at the State-Federal Serology Laboratory, Springfield.

"Specimen" is any animal or plant tissue or substance to which a test or procedure is applied.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 110.90 Microbiology Fees

The following are the fees for microbiology:

1) Bacteriology, Mycoplasma and Fungi	
a) Aerobic or anaerobic culture without sensitivity testing.....	10.00 C, G
2) Aerobic or anaerobic culture with sensitivity testing.....	15.00 C, G
3) Clostridium difficile.....	5.00 G
4) Milk samples for mastitis evaluation (1-4 specimens.....)	15.00 C, G
(Additional specimens, each at).....	2.00 C, G
5) Wisconsin mastitis test (1-10 specimens, each.....)	2.00 C
(Additional specimens, each at).....	1.00 C
6) Microtiter test-per specimen.....	2.00 C, G
7) Canine brucellosis-per specimen.....	5.00 C, G
8) Fluorescent Antibody Test (FA).....	10.00 C, G
9) Escherichia coli serotyping.....	3.00 C
10) Campylobacter (culture).....	4.00 C, G
11) Salmonella isolation using enrichment media.....	6.00 C, G
12) Hemophilus (culture).....	3.00 C, G
13) Nasal Swabs--Bordetella.....	2.00 C, G
14) Listeria (culture).....	4.00 C, G

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- 14) *Haemophilus equigenitalis* (CBM)..... 4.00 C, G
 15) *Shigella flexneri* (epidemia sp.)..... 3.00 C, G
 16) *John's Bacillus* (1 specimen)..... 7.00 C, G
 (each additional specimen)..... 4.00 C, G
 17) Prepare and Supply Transport Media (per tube)..... 1.00 C, G
 18) Return culture for bacteria in production per organism..... 2.00 C, G
 19) Mycology Testing..... 6.00 C, G
 20) Microscopic examination..... 3.00 C
 21) Mycoplasma Testing..... 6.00 C, G
 22) E. Coli or Meritris (1-4 specimens)..... 15.00 C, G
 (each additional specimen)..... 2.00 C, G
 23) *Trichomonas* transport media..... 4.00 C, G
 b) virology
 1) Electron Microscopy—fecal..... 15.00 C
 2) Pseudorabies Serology (positive or negative)..... no charge C, G
 Pseudorabies Serology Out-of-State..... 3.00 C, G
 Pseudorabies Serology (positive or negative) and titration..... 3.00 C, G
 Pseudorabies Serology (request for screen at dilution of 1:2)..... 3.00 C, G
 3) Fluorescent Antibody Test (each disease)..... 10.00 C, G
 4) Rabies..... 5.00 C, G
 5) Virus Isolation in Cell Culture (1 specimen)..... 15.00 C, G
 Each additional specimen..... 10.00 C, G
 6) Viral Serology (each disease) (1-5 specimens, each)..... 3.00 C, G
 (Each additional specimen)..... 1.00 C, G
 7) Feline Leukemia Virus..... 10.00 C
 8) Feline Infectious Peritonitis (F.I.P.)..... 5.00 C
 9) Canine parvo-virus (RUSA) fecal..... 5.00 C, G
 10) Canine parvo-virus serum..... 5.00 C
 11) Canine distemper serum..... 5.00 C
 12) Rota-virus on fecal..... 10.00 C
 13) Semen testing (export)..... 12.00 C
 14) Swine enterovirus (8 serotypes)..... 15.00 C
 15) *FeLV-FelT*..... 15.00 C
 16) Porcine fetal fluid IgG..... 3.00 C
 17) Feline lentivirus (*FelT*)..... 10.00 C
 18) *Encephalomyocarditis* (1-5 specimens, each)..... 3.00 C, G
 (Each additional specimen)..... 1.00 C, G
 19) PRRS (screening 1:20)..... 2.00 C
 PRRS end titer..... 4.00 C, G
 c) *Chlamydia* isolation in Cell Culture..... 15.00 C, G
 d) Miscellaneous serology
 1) *Toxoplasmosis* (first sample)..... 5.00 C

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NOTICE OF PROPOSED AMENDMENTS

- (Each additional sample)..... 2.50 C
 2) *ELISA-CD3a*..... 2.50 C
 3) *Wisk Immunological Pregnancy Test* (35-60 days post-service)..... 10.00 C
 4) *Alutskin Disease-Mink* (immunoelectrophoresis)..... 15.00 C
 5) *Out-of-State brucellosis serology*..... .50 C, G, S
 6) *Brucellosis* testing other than bovine, porcine and canine..... .50 C, G, S
 7) *Bluetongue* (1-5 specimens, each)..... 3.00 C
 (Each additional specimen)..... 2.00 C
 8) *Bovine leukosis (BLV-AGD)* (1-5 specimens, each)..... 3.00 C, S
 (Each additional specimen)..... 1.00 C, S
 9) *Vesicular stomatitis* (1-5 samples each)..... 3.00 C
 (Each additional sample)..... 2.00 C
 10) *Complement Fixation Serology* (2-3 specimens, each)..... 3.00 C
 (Each additional specimen)..... 1.00 C
 Note: The Complement Fixation Serology tests include testing for anaplasmosis, and chlamydia.
 11) *John's ELISA* 1-3 specimens, each..... 20.00 C
 4-12 Specimens, each..... 10.00 C
 13 or more specimens, each..... 5.00 C

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Bovine Brucellosis

2) Code Citation: 8 Ill. Adm. Code 75

3) Section Numbers: Proposed Action:

Amended
75-5
75-10
75-60
75-80
75-90
75-120
75-150
75-180
75-190
75-200
Amended

4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act (510 ILCS 30).

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to include bison in accordance with P.A. 90-192, effective 7/24/97. The current edition of the Code of Federal Regulations is being adopted. Sections 75-180 and 75-220 are amended to reflect the fact that Illinois does not recognize brucellosis state classification for bison. In Sections 75-80 and 75-200, the location of the required "S" brand for suspect animals is moved from the jaw to the hip as required by the U.S. Department of Agriculture.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the date that this rulemaking appears in the Illinois Register. In addition to the written comments, a public hearing on the proposed amendments will be held on Thursday, October 15, 1997 at 10:00 a.m. Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENTS

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Owners of bovine and bison reporting, bookkeeping or other procedures required for compliance. This Part is clarified to include bison. The brand for a brucellosis reactor will be placed on the hip rather than the jaw.

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER I: DEPARTMENT OF AGRICULTURE

BCHAPTER b: ANIMALS AND ANIMAL PRODUCTS

(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 75

BOVINE BRUCELLOSIS

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AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed June 20, 1973.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

March 29, 1976; effective August 29, 1975; filed March 12, 1976, effective March 12, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 i.l.l. Reg. 24, p. 55, effective February 15, 1978; amended at 3 i.l.l. Reg. 34, p. 96, effective August 24, 1979; amended at 5 i.l.l. Reg. 720, effective January 2, 1981; codified as 5 i.l.l. Reg. 10453; amended at 7 i.l.l. Reg. 1737, effective January 28, 1983; amended at 7 i.l.l. Reg. 1733, effective February 2, 1983; amended at 8 i.l.l. Reg. 5891, effective April 23, 1984; amended at 9 i.l.l. Reg. 4483, effective March 22, 1985; amended at 9 i.l.l. Reg. 19647, effective January 1, 1986; amended at 10 i.l.l. Reg. 9741, effective May 21, 1986; amended at 11 i.l.l. Reg. 10169, effective May 15, 1987; amended at 12 i.l.l. Reg. 3386, effective January 22, 1988; amended at 13 i.l.l. Reg. 3636, effective March 13, 1989; amended at 14 i.l.l. Reg. 1911, effective January 19, 1990; amended at 18 i.l.l. Reg. 1833, effective January 24, 1994; amended at 20 i.l.l. Reg. 1509, effective January 12, 1996; amended at 20 i.l.l. Reg. 16181, effective January 1, 1997; amended at 21 i.l.l. Reg. , effective .

Section 75.5 Definitions

The definitions for the rules of this Part shall be as stated in 8 Ill. Adm. Code 20.1. The following definition shall also apply:

"Act" means the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

"Registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recognized by such breed association. The breed associations recognized by the Department are those recognized by the United States Department of Agriculture (9 CFR 51.1, 1997 1996).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 75.10 Official Classification of the Results of the Brucellosis Blood Test

- a) The official tests and classification of results for the Brucella blood and milk tests shall be as prescribed in the Brucella Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23288, May 6, 1992 as amended February 2, 1993 and June 16, 1994) and the United States Department of Agriculture and/or 9 CFR 78.1 (1997 1996).

- b) The card (Buffered Brucella Antigen) test and or Buffered Acidified plate Antigen (BAPA) test shall be the official tests used at licensed

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

livestock auction markets in the State. The CITE (Registered) test shall be used as an optional supplemental test whenever the card test is used.

- c) The official brucellosis test for cattle or bison imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 75.60 Identification of Cattle or Bison

- a) All purebred or crossbred cattle or bison subject to registration vaccinated with brucella abortus vaccine shall be identified on the right ear by their registration number, or dam's registration number, or a combination of the two, by a tattoo, or microchip. All grade or not permanently identified cattle or bison so vaccinated shall be ear tagged in the right ear with an official identification tag. In addition to the above identification, all animals shall be identified at the time of vaccination by a tattoo in the right ear. When using a Strain 19 vaccine, the tattoo shall show the quarter and year of vaccination and the letter "v" in the shield. The number of the quarter shall precede the letter "v" in the shield and the last figure of the year shall follow the letter "v" in the shield, as for example, 4V7--4 means the last quarter (Oct., Nov., Dec.) of the year, "v" means vaccinated, and "7" means the year 1977. When using a RB-51 vaccine (cattle only), the tattoo shall show the letter "R", then the federal shield followed by the last number of the year the animal was vaccinated (example, RV6 1992 means vaccinated with the RB-51 vaccine in 1992).
- b) All cattle or bison imported into the State of Illinois shall be identified by their registration number, or dam's registration number, or a combination of the two, by a tattoo or crossbred animals tested for brucellosis in the State of Illinois shall be identified by an official ear tag placed in the right ear, which tag shall bear a prefix number or letter followed by the number on the face of the tag, and on the reverse side shall bear the word "Illinois."
- c) Purebred or crossbred registered cattle or bison may be identified for test or vaccination by the purebred or crossbred registration number or individual registration breed tattoo or microchip.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 75.80 Sale of Suspects and Negative Animals From Quarantined Herds

Suspects or negative exposed animals from herds under quarantine may be shipped by the owner direct to a recognized slaughtering establishment, public stockyards or to a licensed livestock auction market, accompanied by Federal Form VS 1-27 to be sold for slaughter only and shipment reported to the

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Department. Suspects shall not be diverted from the destination listed on the VS Form 1-27, and any other shipping forms given to the driver transporting the animals to their destination. The buyer of such animals must also ensure that the VS Form 1-27 and any other shipping forms are given to the driver transporting the animals to their destination. Such cattle or bison are to be identified by an ear tag supplied by the Department and by branding with a hot iron the letters "S" on the left hip jaw in letters not less than 2 nor more than 3 inches in height, before the animals leave the premises where they are quarantined, except that cattle or bison for slaughter shall be exempt from the "S" branding requirements of this regulation when moved direct from a feedlot on the quarantined premises to a recognized slaughtering establishment in a vehicle which has been sealed by a Department employee, or a person designated by the Department.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 75.90 Release of Herds or Cattle or Bison Under Quarantine

- a) Herds which disclose reactors shall be quarantined until depopulated or official tests indicate brucellosis infection no longer exists in the herd.
- b) An additional official test of all test-eligible cattle or bison in the herd is required not less than 6 months after release of the herd from quarantine or not less than 10 months after removal of the last reactor. For the purpose of this Section, "test-eligible" cattle or bison means all cattle or bison 6 months of age or over except steers, spayed heifers, and official brucellosis calfhood vaccinates under 24 months of age for beef breeds or bison and 20 months of age for dairy breeds.
- c) Suspected reactors shall be conducted at State-Federal expense; provided funds are available. The blood samples shall be submitted for diagnosis to an approved laboratory.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle or Bison

Certified brucellosis-free herds shall be established and maintained in accordance with the Brucellosis eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23288) May 6, 1992 as amended February 2, 1993 and June 16, 1994) and the United States Department of Agriculture and/or 9 CFR 78.1 (1997-1999).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENTS

Section 75.150 Cattle or Bison for Immediate Slaughter

Cattle or bison for immediate slaughter accompanied by a consignment and under Section 17a of the Act may be shipped into Illinois without brucellosis test or official interstate health certificate. Such cattle or bison shall not be diverted en route and shall be held in quarantine until slaughtered within 10 days of entry.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 75.180 Dairy or Breeding Cattle or Bison

All dairy or breeding cattle or bison transported or moved into the State of Illinois, unless said cattle or bison are consigned direct to and delivered by the transportation company within the confines of a public stockyards, livestock auction market or marketing center, shall be accompanied by an official certificate of health showing:

- All such cattle or bison over 6 months of age are negative to brucellosis blood test within 30 days prior to shipment, OR
- All cattle originated from a certified brucellosis-free herd, Class Free State or country, or bison from a certified brucellosis-free herd. State status is not recomputed for bison. Certified herd number shall be given and the cattle or bison shall be identified by ear tag number, registration name and number, dam's registration number, or other official approved identification, OR
- Cattle or bison under 6 months of age for 24 months of age for beef breeds or bison and 20 months of age for dairy breeds. All unvaccinated dairy or breeding heifers or bison over 6 months of age or bulls more than 18 months of age moving through an out-of-state auction market or marketing center must be accompanied by an official health certificate showing a negative test for brucellosis within 30 days prior to entry, regardless of state or herd status. Official brucellosis calfhood vaccinates do not need to be tested until they are 24 months of age for beef breeds and bison and 20 months of age for dairy breeds.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 75.190 Additional Requirements on Cattle and Bison from States Designated as Class B and Class C States

- In addition to other entry requirements, a prior permit must be obtained for dairy, feeding or breeding cattle or bison, except those consigned direct to slaughter or calves under 6 months of age except

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as further provided for in this Section, entering Illinois from states designated by the Department of Agriculture as Class B and Class C states, shall be accompanied by a prior permit, and shall be accompanied by a brucellosis test or official interstate health certificate. Such cattle or bison shall not be diverted en route and shall be held in quarantine until slaughtered within 10 days of entry.

- Breeding cattle or bison 12 months of age or over from such states shall be placed under quarantine and in isolation until retested and negative to an official test for brucellosis conducted not less than 14 days nor more than 120 days after entering Illinois. Breeding cattle or bison from states designated by the Department of Agriculture as Class B and Class C states shall be accompanied by a prior permit, and shall be accompanied by a brucellosis test or official interstate health certificate. Such cattle or bison shall not be diverted en route and shall be held in quarantine until slaughtered within 10 days of entry.
- All female cattle or bison born after July 1, 1985, if more than 4 months of age, except spayed heifers (female cattle or bison may be spayed after entry into Illinois with prior approval from the Department which will be given upon receipt of the name of the veterinarian who will be performing the operation) or those consigned directly to slaughter, entering Illinois from Class B or Class C states must be official calfhood vaccinates and vaccination status shall be recorded on the official interstate health certificate. In lieu of calfhood vaccination, cattle from Class B states entering Illinois for feeding purposes only may be identified with a hot iron brand on either or both jaws or either hip using the letter F of not less than three inches in height.
- Female cattle or bison, except those consigned directly to slaughter, entering Illinois from Class C states shall be accompanied by a prior permit, and shall be accompanied by a brucellosis test or official interstate health certificate. Such cattle or bison shall be accompanied by a brucellosis-free herd or be spayed and be officially identified by a hot iron brand on either or both jaws or on either hip using an open spade design (e.g., as used in playing cards) of not less than three inches in height. Certification of spaying by an accredited veterinarian is to be shown on the official interstate health certificate. Female cattle or bison may be spayed after entry into Illinois with prior approval from the Department which will be given upon receipt of the name of the veterinarian who will be performing the operation.
- Calves under two months of age not accompanied by their dams may be imported from Class C states if they meet the following requirements:
 - An entry permit shall be obtained on all shipments. All such calves shall be quarantined until shipped to slaughter or neutered (spayed or castrated).

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- 2) All calves shall be accompanied by the Certificate of Veterinary Inspection (i.e., health certificate) and shall be individually identified by official ear tags. The ear tag numbers shall be recorded on the Certificate.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 75.200 Slaughter Cattle and Bison from Class B or Class C States

- a) Prior to movement for slaughter, all test-eligible cattle or bison of unknown status originating in Class B or Class C States in accordance with the Brucellosis Eradication Uniform Methods and Rules (May 6, 1992, as amended February 2, 1993 and June 16, 1994; as recommended and approved by the United States Animal Health Association (P.O. Box #227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and by the United States Department of Agriculture) shall:

- 1) Be subjected to an official test for brucellosis within 60 days prior to movement from the farm of origin, OR
 - 2) Be subjected to an official test for brucellosis at the market or slaughterhouse, OR
 - 3) Be sprayed with a brucella antigen, not Iron "S" brand on the left hip, and be accompanied by USDA Form VS 1-27, OR
 - 4) Be accompanied by USDA Form VS 1-27 and moved direct to slaughter in sealed trucks and/or compartments, with no intermediate stops.
- b) For the purpose of this Section, "test-eligible" cattle or bison means all cattle 18 months of age or over, except steers, spayed heifers, and official brucellosis calfhood vaccinates under 24 months of age for beef breeds and bison and 20 months of age for dairy breeds. Finished fat heifers moving in marketing channels direct to slaughter will not be considered as test-eligible cattle or bison.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 75.220 Recognition of Brucellosis State Status

If there are multiple brucellosis classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state. State status is not recognized for bison.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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- 1) **Heading of Part:** Diseased Animals

- 2) **Code Citation:** 6 Ill. Adm. Code 85

- 3) **Section Numbers:** Proposed Action:

85.10 Amended

85.12 New Section

85.15 Amended

85.50 Amended

85.75 Amended

85.85 Amended

85.90 Amended

85.115 Amended

85.120 Amended

85.130 Amended

85.135 New Section

- 4) **Statutory Authority:** Implementing and authorized by the Illinois Diseased Animals Act (510 ILCS 30/1); Section 6 of the Illinois Bovine Brucellosis Eradication Act (510 ILCS 30/6); Livestock and Poultry Market Law (225 ILCS 640); and Equine Infectious Anemia Control Act (510 ILCS 63).

- 5) **A Complete Description of the Subjects and Issues Involved:** P.A. 90-385, effective August 15, 1997, amends the Illinois Diseased Animals Act. This legislation was initiated by the livestock industry and will affect how livestock can be sold and moved within Illinois. This legislation mandates the Department to establish a list of contagious and infectious diseases. Once the list is approved and adopted, livestock originating from herds where these diseases or conditions exist will not be able to be sold within the State. In Section 85.12, the Department has developed criteria for determining when to designate a disease as contagious or infectious as well as a list of contagious and infectious diseases. In addition, the reportable disease list and other conditions that are considered health hazards to the Illinois livestock industry have also been added to the list.

Q fever, transmissible spongiform encephalopathy, and trichinellosis are being added to the reportable disease list.

All references to the Code of Federal Regulations (CFR) are being updated.

The regulations for establishing and maintaining accredited tuberculosis-free goat herds and tuberculosis testing of cervidae entering Illinois are being deleted from this Part and are being moved to the Illinois Bovine Tuberculosis Eradication Act regulations.

Language is being added to preclude persons from altering other types of information on health certificates or other official documents

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accompanying livestock.

Illinois is proposing to adopt the USDA program for establishing and maintaining certified brucellosis-free cervid herds.

Upon the request of the cattle and dairy goat industry in Illinois, guidelines for establishing and maintaining a herd or flock under the Voluntary Paratuberculosis (John's disease) certification program as well as the national program are being proposed.

- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed rulemaking will be held on Thursday, October 16, 1997 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit

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corporations affected: Poultry and livestock industry

- B) Reporting, bookkeeping or other procedures required for compliance: Three diseases have been added to the Reportable Disease list. Section 85.85 includes restrictions for the movement of animals affected by a contagious or infectious disease. The certified brucellosis-free cervid and paratuberculosis certification programs are both voluntary. Herd and flock owners will incur the cost to have the required testing done.

- C) Types of professional skills necessary for compliance: Veterinarian and laboratory services for the voluntary certification programs referenced in subsection B above

- 13) Regulatory agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER 1: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER 15: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85

DISEASED ANIMALS

Section	Definitions	From	Certain
85.5	Incorporate by Reference		
85.7	Reportable Diseases		
85.10	Contagious or Infectious Diseases		
85.12	Truck Cleaning and Disinfection		
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards		
85.25	Sale of Livestock Quarantined Because of Disease		
85.30	Identification Ear Tags for Livestock		
85.35	Livestock for Immediate Slaughter Not to be Diverted En Route		
85.40	Antitoxin		
85.45	Goats		
85.50	Scrapie in Sheep		
85.55	Scrapie in Sheep		
85.60	Bluetongue		
85.65	Sheep Foot Rot (Repaired)		
85.70	Cattle Scabies		
85.75	Cattle Scabies--Additional Requirements on Cattle		
	Designated Areas		
85.80	Sheep		
85.85	Diseased Animals		
85.90	Copy of Health Certificate Shall Be Furnished		
85.95	Requests for Permits		
85.100	Consignments to Stockyards, Recognized Slaughtering Centers, or Marketing Centers		
85.105	Operation of Transportation Company and Truck Operators		
85.110	Additional Requirements on Cattle From Designated States		
85.115	Salmonella enteritidis serotype enteritidis		
85.120	Cervidae		
85.125	Ratites		
85.130	Vesicular Stomatitis		
85.135	Requirements for Establishing and Maintaining a Herd or Flock Under the Voluntary Paratuberculosis (John's disease) Certification Program		

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972,

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effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 39, p. 337, effective August 17, 1979; amended at 4 Ill. Reg. 74, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 11756, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 15313, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1993; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 29, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 85.10 Reportable Diseases

- a) Suspected cases of the following diseases shall be reported immediately to the Department:
- anthrax
 - avian influenza
 - bluetongue
 - brucellosis -- bovine, swine, equine, and caprine
 - contagious equine metritis (CEM)
 - equine infectious anemia (EIA)
 - equine viral encephalomyelitis
 - foot-and-mouth disease
 - hog cholera
 - infectious hematopoietic anemia -- avian
 - infectious laryngotracheitis
 - infectious mononucleosis
 - Mycoplasma gallisepticum -- turkeys
 - Mycoplasma synoviae -- turkeys
 - Newcastle disease
 - paramyxovirus infection
 - paratuberculosis -- (John's disease)
 - piroplasmosis
 - pseudorabies -- (Aujeszky's disease)
 - psittacosis -- (ornithosis)
 - pullorum disease
 - Q fever
 - rabies
 - salmonella enteritidis -- poultry

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salmonella typhimurium -- poultry

scabies -- cattle and sheep

scrapie

transmissible spongiform encephalopathy (TSE)

trichinellosis

tuberculosis -- bovine

vesicular conditions of any type
any contagious or infectious disease presently considered as "exotic",
i.e., not known to exist in the United States

b) Any herd owner, flock owner, veterinarian or other person having knowledge of the disease, failing to report a suspect case of any of the above diseases immediately after discovery, or who is responsible for the spread of the disease, shall be subject to penalty as provided by law.

c) Reports of any of the above diseases shall be made to the Department, telephone 217/782-4944.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 85.12 Contagious or Infectious Diseases

a) The Department will designate a disease as contagious or infectious when it is determined that the disease is a threat to the animal industry. A disease will be considered a threat to the animal industry for any of the following reasons:

- 1) is of unknown cause or previously not a recognized disease;
- 2) can cause interstate or international trade restrictions;
- 3) has the potential to cause significant economic loss;
- 4) has the potential to cause significant death loss; or
- 5) is not endemic in the animal industry.

b) The following diseases are considered to be contagious or infectious:

anthrax
akabane
avian influenza
bluetongue
Borna disease
bovine disease
bovine pitechial fever
brucellosis
contagious bovine pleuropneumonia
contagious equine metritis (CEM)
dourine
epizootic fever
epizootic hemorrhagic septicemia (EHS)
equine viral encephalitis
epizootic lymphangitis

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foot and mouth disease

foal typhoid

glianders

heartwater

hemorrhagic septicemia

horse pox

infectious encephalomyelitis--avian

infectious laryngotracheitis

Japanese B encephalitis

lambrina disease

louping-ill

lumpy skin disease

Mycobacterium avium--turkeys

Nairobi sheep disease

Newcastle disease

paste des patilles

paramyxovirus infection

paratuberculosis (Johne's disease)

piroplasmosis

pseudorabies (Aujeszky's disease)

psittacosis (ornithosis)

pullorum disease

Q fever

rabies

Rift Valley fever

rinderpest

salmonella enteritidis--poultry

salmonella typhimurium--poultry

scabies--cattle and sheep

sheep pox

sheep and goat pox

swine vesicular disease

transmissible spongiform encephalopathy (TSE)

trichinellosis

tuberculosis

vesicular conditions of any type

vesicular exanthema of swine

Wesselsbron disease

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 85.15 Truck Cleaning and Disinfection

Any truck or other conveyance in which diseased livestock is transported shall be cleaned and disinfected immediately after the diseased livestock is unloaded

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as prescribed in the Code of Federal Regulations (9 CFR 71.7, 71.10 - 71.12; 1997 #996).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 85.50 Goats

a) Part-A---Brucellosis in Goats

- 1) When a serologic test for brucellosis in goats discloses one or more reactors, the entire herd shall be placed under quarantine and the reactor(s) immediately isolated from the remainder of the herd, reactor tagged and branded, and slaughtered. After removal of the reactor(s), the entire herd shall be retested at time intervals as determined by the Department. The length of the quarantine period shall be determined by the Department.

- 2) All brucellosis agglutination blood tests of goats shall be made at an approved laboratory.

b) Part-B---Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Goats

1) General Requirements

- A) Certified brucellosis-free herd certificates, which shall be valid for one year, unless revoked in accordance with the procedures as adopted by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 21288) and as outlined for cattle certificate revocation in the Brucellosis Eradication Program, 1995 and Rules effective May 6, 1992, amended February 27, 1995 and June 16, 1999, shall be issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service, shall be issued by the Department.

- B) Certificates shall be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of a certified brucellosis-free herd.

- C) A "herd" shall be considered as including all animals 6 months of age and over and shall consist of at least 5 animals.

- D) All animals in the herd shall be identified by registration number, individual tattoo, or ear tag.

- E) All official blood tests of goats shall be conducted at an approved laboratory.

2) To Qualify for Certification

- A) A negative, complete herd test upon completion of 2 consecutive 14 months apart.

- B) Animals classified as suspects, in herds that are otherwise

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negative, must be retested at 30-day intervals until their status has been determined. If the suspects are sold or otherwise disposed of before their status has been determined, the entire herd must be retested to achieve a negative herd status. If the suspects are classified as reactors upon retest, the herd is considered to be infected. Diseased goats may only be consigned directly to a slaughtering facility and must be accompanied by a "Permit for Movement, VS Form 1-27".

- C) If on the initial herd test, or as a result of any retests of animals in the herd, one or more reactors are disclosed, the entire herd shall be placed under quarantine and the reactor(s) immediately isolated from the remainder of the herd, reactor tagged and branded, and slaughtered. After removal of the reactor(s), the entire herd shall be retested at time intervals and the number of times as requested by the Department. The length of the quarantine period shall be determined by the Department.

3) To Qualify for Recertification

- A) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous certification. Upon receipt of a negative herd test, the Department shall extend certification for 12 months from the anniversary date.

- B) If the annual test for recertification is conducted within 60 days following the anniversary date and all the animals are negative, certification will be restored and the certification period will be 12 months from the anniversary date.

- C) If the annual test for recertification is not conducted within 60 days following the anniversary date, certification is cancelled and recertification requirements are then the same as for initial certification.

- D) If suspects or reactors are disclosed on a recertification test, their disposition and herd retest requirements shall be the same as specified in subsection Section--85-99 (b)(2)(B) and (C) of this Section.

- E) All official blood tests of goats shall be conducted at an approved laboratory.

4) Additions to Certified Brucellosis-Free Herds

- A) Animals originating from other certified herds may be added without tests.

- B) Animals originating from herds not certified may be added; provided, they are negative to an official brucellosis test within 60 days prior to their inclusion into the herd. Animals from herds not certified shall be held for a minimum period of 30 days and are retested and negative at the end of this isolation period.

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- C) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 30 days and are included in a complete herd test.

e) Part C-----Requirements for Establishing and Maintaining Accredited Tuberculosis-Free Herds of Goats

1) General Requirements

- A) Certified tuberculosis-free herd certificates which shall be valid for one year shall be issued by the Department of Agriculture upon receipt of the following information: a) Name of the herd; b) Name of the owner; c) Name of the veterinarian; d) Name of the official; e) Name of the State; f) Name of the County; g) Name of the Township; h) Name of the Precinct; i) Name of the Section; j) Name of the Precinct; k) Name of the Precinct; l) Name of the Precinct; m) Name of the Precinct; n) Name of the Precinct; o) Name of the Precinct; p) Name of the Precinct; q) Name of the Precinct; r) Name of the Precinct; s) Name of the Precinct; t) Name of the Precinct; u) Name of the Precinct; v) Name of the Precinct; w) Name of the Precinct; x) Name of the Precinct; y) Name of the Precinct; z) Name of the Precinct; aa) Name of the Precinct; ab) Name of the Precinct; ac) Name of the Precinct; ad) Name of the Precinct; ae) Name of the Precinct; af) Name of the Precinct; ag) Name of the Precinct; 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- B) Certificates may be extended for a period of one year upon evidence of a negative herd test and compliance with all requirements for maintenance of an accredited tuberculosis-free herd.

- C) A herd shall be considered as including all animals--12 months of age and over--and shall consist of at least 5 animals.

- D) All animals in the herd shall be identified by registration number, individual tattoo or ear tag.

- E) All official tuberculosis tests shall be conducted by an official veterinarian. The official veterinarian shall be the Illinois Department of Agriculture or the United States Department of Agriculture.

2) To Qualify for Accreditation

- A) Herds shall be accredited upon completion of--2--consecutive negative complete herd tests not less than 10 nor more than 14 months apart.

- B) If a reaction to the tuberculin test is disclosed--the veterinarian reading the test shall within 24 hours notify the Department by collect--telephone call--and make arrangements for a veterinarian trained in conducting the comparative cervical test to retest the animal within 10 days of the original injection. If the animal is identified as a reactor as a result of the comparative cervical test personnel from either the Illinois Department of Agriculture or the United States Department of Agriculture will issue a certificate of accreditation for the herd. The official veterinarian shall conduct additional tests on members of the herd.

3) To Qualify for Reaccreditation

- A) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous accreditation. Upon receipt of a negative herd test the Department shall extend accreditation for 12 months from the anniversary date.

- B) If the annual test for reaccreditation is conducted within

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- 60--days--following the anniversary date--certification will be re-evaluated and the accreditation period will be 12 months from the anniversary date.

- C) If the annual test for reaccreditation is not conducted within 60 days following the anniversary date--accreditation is cancelled and reaccreditation requirements are--then--the same as for initial accreditation.

- D) A reaction to the tuberculin test is disclosed at the time of the test--the official veterinarian shall be notified immediately and the herd shall be retested within 10 days of the original injection.

- E) Animals originating from other accredited herds may be added without test.

- F) Animals originating from herds not accredited may be added provided they are negative to an official test--for tuberculosis within 60 days prior to addition--and are retested and negative to an official tuberculin test--not sooner than 60 days from the date the previous test was conducted.

- G) Purchased additions shall not receive new herd status--for sale--or exhibition purposes until they have been members of the herd for at least 60 days and are included in a complete herd test.

- H) Part D-- Official Veterinarian. All goats, including dairy goats, will not be allowed to be exhibited in Illinois until they are immediately from the exhibition area if showing signs of any of the following conditions:

- 1) Lesions of contagious ecthyma (sore mouth).
- 2) Active lesions of ringworm with resulting loss of hair.
- 3) Caseous lymphadenitis as evidenced by draining abscesses.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 85.75 Cattle Scabies -- Additional Requirements on Cattle from Certain Designated Areas

- A) A prior permit must be obtained from the Department before cattle, except those consigned direct to slaughter, may enter Illinois from certain designated areas. The permit shall be issued by the Department of Agriculture. The Director of the Department shall have authority to specify the designated areas from which movement of cattle into Illinois will be restricted.

- B) Cattle from such areas, except those consigned to a recognized exhibition and moved from Illinois following exhibition (county and State fairs, other State-supported exhibitions, and breed registry exhibitions); dairy cattle; or those consigned direct to slaughter, shall be dipped for cattle scabies within 10 days prior to entry or

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under the National Poultry Improvement Plan and Auxiliary provisions. Indemnity paid, based on the availability of State funds, shall be 75 percent of the fair market value and the health thereof at the time of slaughter, minus the salvage value. The following conditions shall be considered when determining the fair market value and health of the infected flock:

- 1) Initial purchase price of each bird;
- 2) Age of the bird and its egg production capabilities or value for producing progeny; and
- 3) Feed and veterinary medical production costs as justified by documentation by the flock owner in the form of sales receipts and veterinary bills.

f) The Department and the infected flock owner must agree upon the value of the poultry destroyed, and in the case as agreement cannot be made, indemnity will not be paid for the flock.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 85.120 Cervidae

a) All cervidae (deer and elk) entering Illinois shall comply with the following:

- 1) Be negative to a single-cervical test using 0.1 ppb Bovine tuberculosis in the midcervical region with reading by observation and palpation at 72 hours plus or minus 6 hours within 60 days for all animals 6 months of age and over; and

- 2) Be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian within 30 days of importation;

b) Elk in addition to the above requirements, elk entering Illinois shall be negative to a brucellosis card test conducted within 60 days on all cervids 6 months of age and over.

c) Certified herds and herds shall be established and maintained in accordance with the Brucellosis Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box 8227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, 1997) and the United States Department of Agriculture.

d) All cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code (520 ICs 51).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 85.130 Vesicular Stomatitis

All veterinarians issuing Certificates of Veterinary Inspection for livestock including equine, bovine, porcine, caprine, ovine, and cervidae transported

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into Illinois from any state with a confirmed diagnosis of vesicular stomatitis within the past 30 days must include the following statement on the Certificate of Veterinary Inspection: "Vesicular stomatitis has not been diagnosed on within-ten-miles-of the premises of origin within the past thirty days. I have examined the premises of origin and have found no signs of vesicular stomatitis."

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 85.135 Requirements for Establishing and Maintaining a Herd or Flock Under the Voluntary Paratuberculosis (Johne's Disease) Certification Program

a) The following definitions shall be applicable to this Section:

- 1) "Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture, the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director.

- 2) "Animal" means cattle, bison, buffalo, sheep, goats, llamas, or members of the cervid family.

- 3) "Herd" means all animals under common ownership or supervision that are housed on one or more parts of any single premises (farm, ranch, or other place) and are not geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.

- 4) "Positive animal" means an animal infected with Mycobacterium paratuberculosis, only if M. paratuberculosis is demonstrated by an or-anism detection test on tissues or feces of the animal.

- 5) "M. paratuberculosis-Detection Test" or "organism detection test" means any test sufficiently sensitive and specific for detection of M. paratuberculosis in bovine or canine fecal samples.

6) "Diagnosis of sensitivity and specificity" means the use of the National Paratuberculosis Standards set by the National Paratuberculosis Certification Program. Any test approved by the U.S. Department of Agriculture for M. paratuberculosis organism detection (i.e., fecal culture test for M. paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- 7) "Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to M. paratuberculosis in bovine or canine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National

check test and proficiency standards set by the National

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Paratuberculosis Certification Program (1993), as recommended and approved by the U.S. Animal Health Association (P.O. Box 8227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23288). Any test approved by the U.S. Department of Agriculture for serum antibody detection (i.e., ELISA for M. paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- 2) "Test positive animal" means an animal that has been found positive on the serum antibody test or any other test for M. paratuberculosis.
- 3) Criteria for herds qualified to enter into the certification program:
 - 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
 - 2) The herd has been in existence for at least one year or the herd has been in existence for less than one year but has been participating in M. paratuberculosis certification directly from its originator.
 - 3) A herd assembled with animals originating directly from certified herds only shall start at the lowest certification level of the herd from which the assembled animals were acquired. A negative first-herd test will qualify the newly-assembled herd for the first certification level.
 - 4) All animals must have permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable means of permanent, unique, legible identification include registration or association numbers accompanied by identification document, ear tattoos, USPH uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.
- 5) The minimum certification levels will be awarded compliance with the following certification levels:
 - 1) Level 1 - herd tested negative after one sampling.
 - 2) Level 2 - herd tested negative after two samplings.
 - 3) Level 3 - herd tested negative after three samplings.
 - 4) Level 4 - herd tested negative after four samplings.
 - 5) Level 5 - herd tested negative after five samplings.
 - 6) Level 6 - herd tested negative after six or more samplings.
- 6) Certification requirements:
 - 1) For annual certification, all animals 24 months of age and older must be tested.
 - 2) Certified herds must be tested every 12 months (+/- 2 months).
 - 3) All tests must be performed at an accredited laboratory.
 - 4) The following annual testing protocol shall be followed for cattle and goats:
 - a) 1 and 2: blood for the detection of serum antibody against M. paratuberculosis (i.e., ELISA).
 - b) Levels 2 and 4: feces for the detection of M. paratuberculosis (i.e., fecal culture).

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- 1) Level 5 Monitors: either type of test, at the option of the owner.
- 2) For animals other than cattle and goats, an organism detection test for M. paratuberculosis (i.e., fecal culture) must be conducted.
- 3) All blood collection must be done by an accredited veterinarian. Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian who must verify that the samples were collected from the animals identified on the test documents.
- 4) The owner must certify:
 - a) At the initial test date, the herd has been in existence for at least one year or was assembled only from herds enrolled in a M. paratuberculosis program and are at the same or higher level than the herd. Animals purchased from herds participating in M. paratuberculosis programs outside of Illinois must have their State's program approved by the Department of Agriculture.
 - b) At each test date, all animals in the herd 24 months of age or older were sampled and included in the herd test.
 - c) At each test date, a list identifying all animals previously tested but no longer in the herd must be provided to the Department.
 - d) At each test date, all animals added to the herd since the last herd test were natural additions to the herd, purchased from participating herds, or were tested at the time of arrival on the premises (see Section 85.135(h)).
 - e) At each test date, a written statement be sent to the Department certifying to the best of his/her knowledge no animal that left the herd tested positive for M. paratuberculosis or was exhibiting clinical signs of Johne's disease.
- 5) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
- 6) Handling of test positive animals:
 - 1) All animals exhibiting clinical signs of M. paratuberculosis must be tested and isolated from the herd pending the test results. Either the serum antibody test or feces for organisms detection may be used for cattle and goats, and the feces for organisms detection test for other types of animals.
 - 2) Cattle or goats found positive on a serum antibody test must be retested by a fecal M. paratuberculosis detection test as soon as possible but not more than 30 days after official notification from the Department.
 - 3) The certified cattle or goat herd will maintain its present certification status pending the results of the M. paratuberculosis detection test.
 - 4) A negative result on the M. paratuberculosis detection test will

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- allow the herd to move to the next certification level.
- 5) Cattle or goats are removed from the herd while waiting for accreditation tests. The animals shall be collected by the accredited veterinarian and submitted to the accredited laboratory. The sample will be tested for *M. paratuberculosis* if the antibody test is positive.

g) Suspension or revocation of herd certification:

- 1) Identification of a positive animal using the organism detection test during the certification herd test will result in the loss of certification status. The next negative test will qualify the herd for Level 1 certification.

- 2) Failure to collect a feces sample and submit it to an accredited laboratory within 30 days after notification of a test positive animal will result in loss of certification status. The next negative herd test will qualify the herd for Level 1 certification.

- 3) Herds not tested within 14 months of the last sampling will lose their certification status. The next negative herd test will qualify the herd for Level 1 certification.

- b) Herd certification. The next negative serum/antibody test is required for all cattle or goats being added to the herd prior to arrival on the premises, and an organism detection test must be submitted to an accredited laboratory no later than 15 days after arrival. For animals other than cattle or goats, animals purchased from another herd participating in a *M. paratuberculosis* certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are not participating in a *M. paratuberculosis* certification program must be isolated from the other members of the herd until a negative organism detection test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd, and there can be no chance of fecal contamination from the animal.

- 1) Positive. If an animal sold from a Certified Herd is identified as

- 1) If an animal sold from a certified negative herd is identified as positive by an organism detection test within 16 months of the date of sale, the selling certification test within 120 days of being notified, the animal must be retested. The animal must be eligible animals by both the serum antibody and organisms detection tests. Determination of retesting of the herd will be made by the Director based upon, but not limited to, the level of certification of the herd, the last negative organism detection test of the herd and the status of the other animals in the purchasing herd, if known.

- 2) The selling certified herd will maintain its present certification status pending the results of the herd test or at the determination of the Director.

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- 3) If the herd retest is negative, the herd will maintain its present certification status. The herd owner/manager shall then have the option of maintaining his/her present test schedule or scheduling a new test so that his/her next herd certification test is not due until 12 months after the retest.

- 4) If a positive animal is identified on this retest, the selling herd will lose its certification status. The next negative herd test will qualify the herd for Level 1 certification.

(Source: Added at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Equine Infectious Anemia Control

2) Code Citation: 8 Ill. Adm. Code 116

3) Section Numbers: Proposed Action:
116.60 New Section

4) Statutory Authority: Illinois Equine Infectious Anemia Control Act (510 ILCS 65)

5) A Complete Description of the Subjects and Issues Involved: Provisions under which slaughter animals can enter Illinois are being added for clarification.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 16, 1997 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit organizations affected: Equidae owners. The exemption for slaughter animals entering Illinois currently exists.

B) Reporting, bookkeeping or other procedures required for compliance: A VS Form 1-27 must accompany equidae entering Illinois for slaughter; and animals must be consigned directly to the slaughtering establishment.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER 1: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 116

EQUINE INFECTIOUS ANEMIA CONTROL

Section

116.10 Testing of Illinois Equidae

116.20 Retesting of Reactors

116.30 Quarantining of Reactors

116.40 Movement of Equidae Through Livestock Sales and Livestock Auction

Markets (Repealed)

116.50 Falsification of Records

116.60 Equidae for Immediate Slaughter

AUTHORITY: Implementing and authorized by the Illinois Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Adopted at 18 Ill. Reg. 1861, effective January 24, 1994; amended at 20 Ill. Reg. 290, effective January 1, 1996; amended at 20 Ill. Reg. 16186, effective January 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 116.60 Equidae for Immediate Slaughter

Equidae entering Illinois for immediate slaughter are exempt from the testing requirement but must be accompanied by VS Form 1-27 and consumed directly to the slaughtering establishment. These animals cannot be diverted en route and must be slaughtered within fourteen days.

(Source: Added at 21 Ill. Reg. _____, effective _____.)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Feeder Swine Dealer Licensing2) Code Citation: 68 Ill. Adm. Code 5903) Section Numbers: Proposed Action:
590.60 New Section4) Statutory Authority: Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620]5) A Complete Description of the Subjects and Issues Involved: Section 590.60 is being added to clarify the Department's role in the inspection of records.6) Will this proposed rule replace an emergency rule in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 16, 1997 at 10:00 a.m., Department of Agriculture Building 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
 Department of Agriculture
 State Fairgrounds, P.O. Box 19281
 Springfield, IL 62794-9281
 217/785-5713
 Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Illinois Bovine Tuberculosis Eradication Act

2) Code Citation: 8 Ill. Adm. Code 80

3) Section Numbers:

Amended
80.10
Amended
80.20
Amended
80.30
Amended
80.40
Amended
80.110
Amended
80.120
New Section
80.130
80.140

4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act (510 ILCS 35)

5) A Complete Description of the Subjects and Issues Involved: A recent legislative amendment to 510 ILCS 35 (P.A. 90-192, effective July 24, 1997) includes bison, goats, sheep, antelope, and cervidae, and therefore this Part is being amended in accordance with the statutory change. The current edition of the Bovine Tuberculosis Eradication Uniform Methods and Rules is being adopted.

The fact that Illinois does not recognize brucellosis state classification for bison is added. This is necessary because Wyoming is Class Free for Bovine Brucellosis except for Yellowstone National Park where the bison are infected with brucellosis.

The regulations concerning accredited tuberculosis-free goat herds are moved from the Diseased Animals regulations to this Part.

The regulations concerning cervidae are moved from the Diseased Animals regulations to this Part, and regulations for the U.S. Department of Agriculture program for accrediting, qualifying, and monitoring tuberculosis-free cervidae herds are being adopted. The import testing requirements for cervidae have been changed to two negative tests prior to importation as recommended in the Uniform Methods and Rules for Tuberculosis Eradication of Cervidae.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

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10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 16, 1997 at 10:00 a.m., Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
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In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Owners of bovine, bison, goats, sheep, antelope, and cervidae

B) Reporting, bookkeeping or other procedures required for compliance: A single test for tuberculosis in cervidae is currently required under the Diseased Animals Act. The Uniform Methods and Rules for Tuberculosis Eradication of Cervidae recommends a second test prior to importation so the second test will be an additional cost to persons selling cervidae into Illinois.

The non-recognition of state status for bison would affect persons exporting bison to Illinois as the animals would be required to have a negative test for brucellosis prior to entry. There would be no impact on Illinois producers or industry.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

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13) Regulatory agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER B: ANIMALS AND ANIMAL PRODUCTS
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PART 80

ILLINOIS BOVINE AND CERVIDAE BOVINE TUBERCULOSIS ERADICATION ACT

Section

- 80.10 Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds Herd
- 80.20 When Indemnity Will Be Paid on Tests
- 80.30 Herds Quarantined Because of Suspected Tuberculosis Infection
- 80.40 Identification Tags Not To Be Removed
- 80.50 Infected Herd Depopulation (Repealed)
- 80.60 Cattle for Immediate Slaughter (Repealed)
- 80.70 Feeding or Grazing Cattle (Repealed)
- 80.80 Female Cattle--Beef Breeds--18 Months and Over (Repealed)
- 80.90 Sale of Quarantined Feeding or Grazing Cattle (Repealed)
- 80.100 Release of Feeding or Grazing Cattle from Quarantine (Repealed)
- 80.110 Dairy or Beef Cattle, Bison or Steers
- 80.120 Tuberculin Tests
- 80.130 Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
- 80.140 Cervidae

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act (510 ILCS 35).

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8435, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1934, effective January 19, 1990; amended at 21 Ill. Reg. _____, effective _____.

Section 80.10 Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds Herd

A cattle or bison herd qualifies as a tuberculosis-free accredited herd when it meets the requirements of the Bovine Tuberculosis Eradication Uniform Methods and Rules (June, 1997 March-31-1989-as-amended-February-31-1989) for such herds as approved by the United States Animal Health Association (P.O. Box

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28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture, Animal and Plant Health Inspection Service, for the establishment and maintenance of a tuberculosis-free accredited herd of cattle or bison. This incorporation by reference does not include any future amendments or editions beyond the date specified.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 80.20 When Indemnity Will Be Paid on Tests

Indemnity will be paid to owners of dairy and breeding cattle, bison or cervidae which react to the tuberculin test administered by accredited veterinarians and are destroyed provided:

- The entire herd is tuberculin tested. Tuberculosis reactors found when there is not a complete herd test are not eligible for indemnity.
- When there is not a complete herd test, the entire herd is tuberculin tested and the entire herd is depopulated to tuberculosis infection.
- The appraisal is made by a regularly employed State or Federal veterinarian and subject to the requirements of Sections 6, 7, and 8 of the Illinois Bovidae and Cervidae Bovine Tuberculosis Eradication Act [510 ILCS 35/6, 35/7 and 35/8] (44th Rev. Stat. 1967-CH-9, par. 92-93-94-94). The appraisal value of the animal shall be based upon the breeding value of such animal at the moment of appraisal, taking into consideration the age, breed, health status, weight and market value at slaughter.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 80.30 Herds Quarantined Because of Suspected Tuberculosis Infection

- Cattle, bison, goat, sheep, antelope or cervid herds or flocks suspected of being infected with bovine tuberculosis (Mycobacterium bovis) shall immediately be quarantined and the entire herd tuberculin tested. All tuberculin tests on such herds are to be conducted by veterinarians employed by the United States Department of Agriculture or the Illinois Department of Agriculture.
- Procedures for release of quarantine on such herds are as follows:
 - If the initial herd test is negative, quarantine shall be released unless epidemiological evidence, such as infection in surrounding herds or continued exposure to tuberculosis, necessitates leaving the quarantine in place.
 - If a reactor is disclosed on the initial herd test, or on test of individual animals in the herd, but the slaughtered reactor does not exhibit gross lesions indicative of tuberculosis, the quarantine shall be released upon completion of one additional negative herd test conducted not less than 60 days following the

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- Initial herd test.
- If a reactor is disclosed on initial herd test, or on test of individual animals in the herd, and the slaughtered reactor shows gross lesions indicative of tuberculosis, but Mycobacterium bovis is not confirmed by laboratory examination of tissues from the slaughtered animal, the quarantine shall be released following completion of two negative complete herd retests. The first herd retest shall be conducted not less than 60 days following the initial herd test on which the reactor was disclosed and the second herd retest shall be conducted not less than 6 months or more than one year following the first negative herd retest. After such herds have been released from quarantine, they must pass a negative herd test annually for two years following release of the quarantine.
- If a reactor is disclosed on initial herd test, or on test of individual animals in the herd, and the slaughtered reactor shows gross lesions indicative of tuberculosis, but Mycobacterium bovis is confirmed by laboratory examination of tissues from the slaughtered animal, the herd shall be depopulated if the owner is agreeable and if funds are available. If the herd is not depopulated, it shall remain under quarantine so long as it remains intact.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 80.40 Identification Tags Not To Be Removed

No person shall remove identification tags, numbers, or brands from cattle, bison, sheep, goats, antelope or cervidae.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 80.110 Dairy or Beef Cattle, Bison or Steers

All dairy or beef cattle or steers being exhibited in the State of Illinois from Accredited Tuberculosis Free States as defined under the Bovine Tuberculosis Eradication Uniform Methods and Rules (June 1957 March 31-1988) as amended February 3-1989) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture shall be accompanied by an official certificate of health issued by an accredited veterinarian. This incorporation by reference does not include any future amendments or editions beyond the date specified. No tuberculin test is required for cattle originating from Accredited Tuberculosis Free States. Cattle being exhibited in Illinois from a state that is not tuberculosis Accredited Free shall be accompanied by an official certificate of health

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issued by an accredited veterinarian showing:

- Cattle originated from an accredited tuberculosis-free herd. Accredited herd number and date of last test shall be recorded on the certificate and the cattle shall be identified by ear tag number, tattoo number or registration name and number, OR
- Cattle originating out-of-state were negative to a tuberculin test conducted within 60 days prior to exhibition, OR
- If Illinois is not an Accredited Tuberculosis Free State, cattle originating in Illinois were negative to a tuberculin test conducted within 90 days prior to exhibition.

Accredited tuberculosis free state status is not recognized for bison but individual herd status for bison is recognized.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 80.120 Tuberculin Tests

- The caudal fold test shall be the official tuberculin test for testing of cattle, bison, sheep, goats, and antelope not known to be infected with, or exposed to, bovine tuberculosis. The caudal fold test shall be applied by accredited veterinarians OR by full-time State or Federal regulatory veterinarians.

- The comparative cervical test shall be the official tuberculin test for retesting suspects. The comparative cervical test shall be applied only by full-time employed State or Federal regulatory veterinarians. The comparative cervical test must be applied within 10 to not less than 60 days following the initial caudal fold injection.

- The single cervical test shall be the official tuberculin test for retesting known infected herds and exposed cattle, bison, sheep, goats, antelope or cervidae which were once part of a known infected herd and is the official tuberculin test for any type of testing for cervidae. The single cervical test shall be applied only by full-time employed State or Federal regulatory veterinarians or by designated accredited veterinarians as defined by the Uniform Methods and Rules for Tuberculosis Eradication in Cervidae (effective May 15, 1994 including 1996 amendments) as approved by the United States Animal Health Association (P.O. Box 6227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and/or the United States Department of Agriculture.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 80.130 Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds

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a) General Requirements

- Accredited tuberculosis-free herd certificates, which shall be valid for one year unless revoked in accordance with the procedures outlined in the Bovine Tuberculosis Eradication Uniform Methods and Rules, effective June 1997, Part III B, Accredited Herd Plan for Dairy Goats, shall be issued by the Department (9 CFR 77.11, 1997).
- Certificates may be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of an accredited tuberculosis-free herd.
- A "herd" shall be considered as including all animals 12 months of age and over and shall consist of at least 5 animals.
- All animals in the herd shall be identified by registration number, individual tattoo or ear tag.
- All official tuberculin tests shall be conducted by an accredited veterinarian or a veterinarian in the employ of the Illinois Department of Agriculture or the United States Department of Agriculture.

b) To Qualify for Accreditation

- Herds shall be accredited upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.
- If a reaction to the tuberculin test is disclosed, the veterinarian reading the test shall, within 24 hours, notify the Department by collect telephone call and make arrangements for a veterinarian trained in conducting the comparative-cervical test to retest the animal within 10 days of the original injection. If the animal is identified as a reactor as a result of the comparative-cervical test, personnel from either the Illinois Department of Agriculture or the United States Department of Agriculture will issue a quarantine, supervise disposition of the reactor animal, and conduct additional tests on members of the herd.
- To Qualify for Reaccreditation
 - A negative herd test conducted within 60 days prior to the anniversary date is required for continuous accreditation. Upon receipt of a negative herd test, the Department shall extend accreditation for 12 months from the anniversary date.
 - If the annual test for reaccreditation is conducted within 60 days following the anniversary date, certification will be restored and the accreditation period will be 12 months from the anniversary date.
 - If the annual test for reaccreditation is not conducted within 60 days following the anniversary date, accreditation is cancelled and reaccreditation requirements are then the same as for initial accreditation.
 - If a reaction to the tuberculin test is disclosed at the time of

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the reaccreditation test, the procedure outlined in Section 80.130(b)(2) shall be followed.

d) Additions to Accredited Tuberculosis-Free Herds

1) Animals originating from other accredited herds may be added without tests.

2) Animals originating from herds not accredited may be added provided they are negative to an official test for tuberculosis within 60 days prior to addition and are retested and negative to an official tuberculin test not sooner than 60 days from the date the previous test was conducted.

3) Putative additions receive no herd status for sale or exhibition purposes until they have been members of the herd for at least 60 days and are included in a complete herd retest.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 80.140 Cervidae

a) All cervidae entering Illinois shall comply with the following:

1) Be negative to two simple cervical tests using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, no less than 90 days apart with the second test conducted within 90 days prior to the first test, or all animals 12 months of age and over and were isolated from all other cervidae for a minimum of 60 days prior to period unless they originate from an accredited, qualified or monitored herd;

2) Cervidae from an accredited herd may be moved into Illinois without further tuberculosis testing provided that they are accompanied by a certificate stating that such cervidae originated from an accredited herd.

3) Cervidae originating from qualified or monitored herds may enter Illinois with a negative test within 90 days prior to importation and a certificate stating that the animals originate from a monitored herd. Institutions that have been accredited by the American Zoo and Aquarium Association (AZAA) are exempt from these requirements when movement is between accredited member facilities. All other movement from AZAA-accredited members must comply with these movement requirements.

4) Be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian within 30 days of importation.

5) Be individually identified by ear tag or tattoo.

6) Be accompanied by a permit obtained from the Department as follows:

A) Applicant for permit shall furnish the following information to the Department:

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1) Name and post office mailing address of Illinois destination;

2) Name and post office mailing address of consignor;

3) Number of cervidae in shipment.

4) Grounds for refusal to issue permit are:

a) Violation of the Act or any rule of this Part;

b) Presence of a disease which might endanger the Illinois livestock industry;

c) Refusal to provide required information for the permit.

5) Permit will be issued by telephoning or writing the Department.

6) Accredited, qualified and monitored tuberculosis-free cervidae herds shall be established and maintained in accordance with the Uniform Methods and Rules for Tuberculosis Eradication in Cervidae as approved by the United States Animal Health Association (P.O. Box #227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228 (effective May 15, 1994 including 1996 amendments)) and/or the United States Department of Agriculture.

7) Cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [320 ILCS 5].

(Source: Added at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of Part: Illinois Pseudorabies Control Act

2) Code Citation: 8 Ill. Adm. Code 115

3) Section Numbers: Proposed Action:

115.10 Amended

115.70 Amended

115.80 Amended

115.90 Amended

115.100 Amended

4) Statutory Authority: Illinois Pseudorabies Control Act (510 ILCS 90)

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to adopt the revised Pseudorabies Eradication Program for the Federal-Industry Program Standards that became effective January 1, 1997. The Department is proposing the following changes to the existing Regulations. The Department is clarifying the exhibition testing requirements for Illinois swine. Language is proposed to clarify the movement of feeder swine from quarantined herds.

6) Will this proposed rule replace an emergency rule in effect?: No

7) Does this rulemaking contain an automatic repeal date?: No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 16, 1997 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Swine owners

B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements

C) Types of professional skills necessary for compliance: No additional professional skills are necessary

13) Regulatory agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE
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(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 115.80 Pseudorabies Testing of Feeder Swine

- a) Swine for feeding purposes shall, in addition to complying with the other requirements of this Part and 8 Ill. Adm. Code 105.10, enter or move within Illinois without further testing requirements for pseudorabies if:

- 1) The swine are from a qualified pseudorabies negative herd, a QNV herd, or a feeder swine pseudorabies monitored herd; or
- 2) The swine are from a herd in which a representative sample of animals 6 months of age and over have been tested and are negative to an official serological test for pseudorabies within the preceding 12 months. In herds of 35 animals or less, a representative sample is all swine 6 months of age and over or at least 10 animals, whichever is less. In herds of 36 animals or more, a representative sample is a minimum of 30 percent or 30 animals that are 6 months of age and over, whichever is less; or
- 3) The swine originate from a state that has been classified as a State with no pseudorabies under the National Animal Health Certification State-Federal-Industry Program Standards (January 1997, 1998) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) or originate from a country that meets the requirements for Stage V. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

- b) Swine tested for pseudorabies under a market swine testing program (Section 115.100) shall be included in the representative sample required in subsection (a)(2).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 115.90 Feeder Swine

No person shall offer for sale, sell, trade, lease or loan any feeder swine unless the animals originate from a herd that is in compliance with Section 115.80, they are sold direct to slaughter, or they are sold and moved from a quarantined herd to a quarantined herd under permit issued by the Department. Feeder swine from a quarantined herd may be transferred, if accompanied by a permit issued by the Department, to an unquarantined feeder swine herd, provided there are no breeding swine on the premise or upon adjacent premises within one mile, and such herd shall then be quarantined. Permits shall be issued by the Department upon request and such request may be made either in writing or by telephone (217-782-4944). Permits for such movement shall not be issued, except for feeder swine moving from a herd which is under an approved herd plan for eliminating pseudorabies infection.

Section 115.100 Breeding Animals Consigned to Slaughter

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag in accordance with the Swine Identification Program (9 CFR 78.33, 1997 1996). The tag shall be applied to the back of the neck of each animal. A report of such identification shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Department within 30 days of application. If such swine are slaughtered in Illinois, the management of the premises must submit a written request from the Department or from the U.S. Department of Agriculture, upon written request or permit the collection of blood samples for testing from the identified swine.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Section Numbers: Proposed Action:
40.60 Amended
40.170
- 4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 40.60, the location of the brand for suspect animals will be moved from the jaw to the hip as now required by the U.S. Department of Agriculture. Breeding swine are required to have a negative test for pseudorabies under the Illinois Pseudorabies Control Act and Swine Disease Control and Eradication Act, and references to the testing requirement are being added for clarification in Section 40.170.
- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 16, 1997 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Livestock auction markets
 - B) Reporting, bookkeeping or other procedures required for compliance: The brand for a brucellosis reactor will be placed on the hip rather than the jaw.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 40
LIVESTOCK AUCTION MARKETS

Section

- 40.5 Definitions
40.10 Fee to Accompany Application Not To Be Refunded
40.20 Release of Livestock for Interstate Shipment
40.30 Veterinary Application
40.40 Veterinary Office
40.50 Detection of Diseased Animals
40.60 Bovine Brucellosis
40.70 Quarantine Pen
40.80 The Sale of Livestock for Immediate Slaughter
40.90 Test Chute
40.100 Brucellosis Test
40.110 Sale of Official Brucellosis Calftlood Vaccinates
40.120 Feeder Cattle Subject to Quarantine
40.130 Backtagging
40.140 Yarding and Housing
40.150 Display License (Repealed)
40.160 Sale Day
40.170 Swine
40.180 Swine Which React to Test for Brucellosis
40.190 Shipment
40.200 Surety Bonds and Other Pledged Security
40.210 Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.220 Swine Movement Limitations (Repealed)
40.230 Disposition of Rejected Feeding or Breeding Swine
40.240 Director To Be Named Trustee (Repealed)

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23].

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1977; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 2 Ill. Reg. 24, p. 23, effective June 15, 1978; modified 11/7/79, effective December 1, 1979; amended at 2 Ill. Reg. 24, p. 23, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992; amended at 18 Ill. Reg. 1869, effective January 24, 1994; amended at 20

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Ill. Reg. 1546, effective January 12, 1996, amended at 20 Ill. Reg. 16192, effective January 1, 1997, amended at 21 Ill. Reg. _____, effective _____.

Section 40.60 Bovine Brucellosis

- a) Cattle which, upon being tested for brucellosis at a livestock auction market, are classified as reactors to the official test shall be placed in the quarantine pen and sold for immediate slaughter.
b) The reactors when sold for slaughter shall be delivered to a public stockyard or recognized slaughtering establishment and be positively identified and branded as provided by Section 5 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/5]. The purchaser of the reactors shall sign a VS Form 1-27, "Permit for Movement of Animals." Illinois brucellosis reactors disclosed at other than a livestock auction market shall be consigned to a recognized livestock auction market designated as a marketing level if accompanied by a VS Form 1-27, "Permit for Movement of Animals." A new VS Form 1-27 shall be prepared by the livestock auction market veterinarian and shall accompany the reactor to slaughter and shall not be diverted en route and shall go only to the destination listed on the VS Form 1-27. No change of ownership of any reactor or suspect animal after the animal has been bought shall be allowed without the approval of the Department.

- c) When one or more brucellosis reactors are disclosed in a group of cattle, the negative cattle which have been in contact with the reactors for more than 24 hours shall be either returned to the farm of origin under quarantine OR shipped directly to a recognized slaughtering establishment or a public stockyard, accompanied by VS Form 1-27 to be sold for slaughter only and shall not be diverted en route. No change of ownership of any animal after the animal has been bought shall be allowed without the approval of the Department. Unless cattle are being returned to the farm of origin, they shall be identified by an ear tag provided by the Department and by branding with a hot iron the letter "S" on the left hip jaw in letters not less than 2 nor more than 3 inches in height, before the cattle leave the livestock auction market.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 40.170 Swine

- a) In no case shall swine remain on the livestock auction market premises for more than 10 days.
b) Out-of-State feeder swine shall enter Illinois accompanied by a health certificate and a permit (8 Ill. Adm. Code 105:10) and be ear tagged

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to show state of origin, except that feeder swine consigned from the farm of origin directly to a federally approved market shall be tagged immediately upon arrival at the market. Such swine shall move directly into Illinois from the state of origin. A report of sale shall be made within 48 hours of the time of sale (on Form 2-5) to the Department, stating name and address of purchaser and number of animals purchased. Such swine shall be quarantined to the purchaser for 21 days by the Department (8 Ill. Adm. Code 105.20).

- c) Ear tag identification of swine, together with the name and address of origin and purchase date of sale, breed and number purchased, shall accompany the swine to the livestock auction market. The buyer before swine leave the livestock auction market.

- d) In accordance with Section 2 of the Illinois Swine Brucellosis Eradication Act (225 ILCS 95/2), all breeding swine 4 months of age and over shall be negative to an official test for brucellosis within 60 days prior to sale or originate from a validated brucellosis-free herd. Such test shall be recognized for one change of ownership or premises only within the 60-day period.

- e) In accordance with Section 115.70 of the regulations pertaining to the Illinois Pseudorabies Control Act, all Illinois origin breeding swine must be accompanied by a health certificate or an official pseudorabies test chart or photocopy of such chart showing that the swine have been tested negative to an official test for pseudorabies within 60 days prior to the date of such transaction with the test results recorded on the certificate or chart. Premises within the 60-day recognized period may change ownership of premises within the 60-day recognized period. The test results shall be recorded on the official pseudorabies negative herd or showing that the swine are vaccinated swine originating from an Illinois pseudorabies negative gene-altered vaccinated herd.

- f) In accordance with Section 105.30 of the regulations pertaining to the Swine Disease Control and Eradication Act, the official health certificate shall show that any breeding swine entering Illinois must be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry or that the swine originated from a qualified pseudorabies negative herd with the qualified herd number and qualification date listed on the health certificate or that the swine originated from a country that meets the requirements for Stage V or from a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards (January 1, 1997) as approved by the United States Animal Health Association (260. Box #277, Suite 114, 1610 University Avenue, Washington, D.C. 20036). The lowest multiple pseudorabies classification with the lowest state pseudorabies classification shall be recognized by this Department as the classification for that entire state. Incorporation by reference does not include any amendments or editions beyond the date specified.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS (S)

1) Heading of Part: Livestock Dealer Licensing

2) Code Citation: 68 Ill. Adm. Code 610

3) Section Numbers: Proposed Action:
610.30 Amended

4) Statutory Authority: Illinois Livestock Dealer Licensing Act (225 ILCS 645)

5) A Complete Description of the Subjects and Issues Involved: Breeding swine sold in Illinois must be in compliance with the Illinois Pseudorabies Control Act and therefore a reference to that Act is being added for clarification.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the Illinois Register. In addition, the public hearing will be held on Thursday, October 16, 1997 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a

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public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Livestock dealers

B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements

C) Types of professional skills necessary for compliance: No additional professional skills

13) Regulatory agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS (S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER II: DEPARTMENT OF AGRICULTUREPART 610
LIVESTOCK DEALER LICENSING

Section

- 610.00 Definitions
610.10 Entry Requirements
610.20 Breeding Cattle Health Requirements (Repealed)
610.30 Swine Health Requirements
610.40 Prevention of Spread of Livestock Diseases
610.50 Feeder Cattle
610.60 Slaughter Animals
610.70 Care of Livestock (Repealed)
610.80 Inspection
610.90 Identification Not to be Removed or Altered
610.100 Compliance with Market Cattle Identification Program
610.110 Surety Bonds and Other Pledged Security
610.120 Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
610.130 Director as Trustee on Surety Bonds (Repealed)
610.140 Dealer's Agent (Repealed)
610.150 License Application
- AUTHORITY: Implementing and authorized by the Illinois Livestock Dealer Licensing Act (225 ILCS 645).

SOURCE: Rules and Regulations Relating to the Livestock Dealer Licensing Act, filed January 17, 1972, effective January 27, 1972; amended May 3, 1972, effective May 13, 1972; June 20, 1973, effective July 1, 1973; April 5, 1976, effective April 15, 1976; amended at 2 Ill. Reg. 34, p. 166, effective August 24, 1978; codified at 5 Ill. Reg. 10573; amended at 8 Ill. Reg. 5973, effective April 23, 1984; amended at 13 Ill. Reg. 3690, effective March 13, 1989; amended at 18 Ill. Reg. 1875, effective January 24, 1994; amended at 20 Ill. Reg. 1552, effective January 12, 1996; amended at 20 Ill. Reg. 16197, effective January 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 610.30 Swine Health Requirements

- All Illinois breeding swine 4 months of age and over purchased by a licensed livestock dealer shall comply with the Illinois Swine Brucellosis Eradication Act [510 ILCS 95] and the Illinois Pseudorabies Control Act [510 ILCS 90].
- All breeding swine sold or purchased by a licensed livestock dealer through a livestock auction market shall comply with the requirements of the Livestock Auction Market Law and rules (8 Ill. Adm. Code 40.170(e)).

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(Source: Amended at 21 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of Part: Swine Disease Control and Eradication Act

- 2) Code Citation: 9 Ill. Adm. Code 105

- 3) Section Numbers: Proposed Action:

105.5 Amended

105.10 Amended

105.30 Amended

- 4) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95]

- 5) A Complete Description of the Subjects and Issues Involved: The Department will adopt the updated Pseudorabies Eradication State- Federal-Industry Program Standards that became effective January 1, 1997.

The definition of tattoo is being amended to clarify the difference between a site tattoo, defined in the regulations as one assigned by a governmental agency and used exclusively with feeder pigs, and the breed registry tattoo that is used for breeding animals.

- 6) Will this proposed rule replace an emergency rule in effect?: No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, October 16, 1997 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

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In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 9, 1997. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Owners of swine

B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements

C) Types of professional skills necessary for compliance: No additional professional skills are necessary

- 13) Regulatory agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER B: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 105

SWINE DISEASE CONTROL AND ERADICATION ACT

Section

105.5 Definitions

- 105.10 Swine entering Illinois for Feeding Purposes Only
- 105.20 Quarantine of Imported Feeder Swine
- 105.30 Swine for Illinois Feeding Purposes
- 105.40 Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
- 105.41 General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
- 105.42 Requirements for Establishing and Maintaining Pseudorabies Controlled Negative Herds (Repealed)
- 105.44 Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
- 105.46 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
- 105.50 Official Pseudorabies Test (Repealed)
- 105.60 Pseudorabies Test Requirements for Intrastate Movement (Repealed)
- 105.70 Pseudorabies Testing of Feeder Swine (Repealed)
- 105.80 Feeder Swine (Repealed)
- 105.90 Feral Swine

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act (510 ILCS 100), the Illinois Pseudorabies Control Act (510 ILCS 90), and the Illinois Swine Brucellosis Eradication Act (510 ILCS 95).

SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 3, 1981, codified at 5 Ill. Reg. 10461; amended at 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 11 Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10536, effective May 21, 1987; amended at 12 Ill. Reg. 3400, effective January 1, 1988; amended at 13 Ill. Reg. 5715, effective March 13, 1989; amended at 14 Ill. Reg. 1967, effective September 15, 1990; amended at 17 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. 11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg.

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14010, effective August 16, 1993; amended at 18 Ill. Reg. 1880, effective January 24, 1994; amended at 18 Ill. Reg. 17968, effective January 1, 1995; amended at 20 Ill. Reg. 1363, effective January 12, 1996; amended at 21 Ill. Reg. 3117, effective January 7, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 105.5 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Swine Disease Control and Eradication Act (510 ILCS 100).

"Feral swine" means swine that have lived any part of their lives free roaming. Swine may lose their designation as feral if they are maintained in captivity for at least 30 days and are tested negative for pseudorabies and brucellosis.

"Site tattoo" means a permanent mark in the right ear showing a unique number giving state and herd of origin. The unique number shall be assigned and approved by the Chief Animal Health Official of the state of origin or by the Federal Veterinarian in charge for that state.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

Section 105.10 Swine Entering Illinois for Feeding Purposes Only

- Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or site tattoo in the right ear showing state of origin and accompanied by a permit from the Department and an official health certificate.
- Official health certificate shall:
 - Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - Be approved by the Animal Health Official of state of origin;
 - Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
 - Show that the feeder swine are not from a quarantined herd and/or area;
 - List number and description of the feeder swine, site tattoos, ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and

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- 6) Show that the swine originated from a herd in which a representative sample of the breeding herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80), originate from a qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herd or originate from a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards (Jan. 1997 #996) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) or originate from a country that meets the requirements for Stage V. If there are multiple pseudorabies negative or pseudorabies negative gene-altered vaccination classifications shall be recognized by this Department as the classification for that entire state.
- c) Permits:
- 1) Permits to import feeder swine shall only be issued to:
 - A) An Illinois licensed feeder swine dealer; and
 - B) A person importing pigs to feed on his own premises and not for resale other than to slaughter.
 - 2) Applicant for permit shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination.
 - B) Name and address of consignor.
 - C) Number of swine in shipment.
 - 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or any rule of this Part.
 - B) Swine dealer Licensing Act (225 ILCS 620)
 - C) Swine dealer not in good standing with the Department.
 - D) License is not in good standing with the Department.
 - E) Presence of a disease which might endanger the Illinois swine industry.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 105.30 Swine Entering Illinois for Breeding Purposes

- a) Swine for breeding purposes, except feral swine, may enter Illinois provided they are accompanied by a permit from the Department and an official health certificate.
- b) Official health certificate shall:
 - 1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture.
 - 2) Be approved by the Animal Health Official of the state of origin.
 - 3) Identify each animal by registration number, ear tag, breed registry tattoo, or ear notch approved by the respective breed registry.

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- 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
 - 5) Show that the swine are not from a quarantined herd and/or area;
 - 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free state (Swine Brucellosis Eradication Uniform Methods and Rules (February 1997) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176), International Brucella Data Bank, and include any amendments or editions beyond the date specified; and
 - 7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd, with the qualified herd number and qualification date listed on the health certificate, OR that the swine originated from a country that meets the requirements for Stage IV or from a state that has been classified as Stage IV or State V under the Pseudorabies Eradication State-Federal-Industry Program Standards (January 1, 1997 #996) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228). If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state. If there are multiple pseudorabies classifications for that entire state, the lowest classification shall be recognized by this Department as the classification for that entire state. This notice of proposed amendment does not include any amendments or editions beyond the date specified.
- c) Permits:
- 1) Permits to import breeding swine shall be issued by telephoning or writing the Department.
 - 2) Applicant for permit shall furnish the following information to the Department:
 - Name and complete mailing address of Illinois destination;
 - Name and address of consignor; and
 - Number of swine in shipment.
 - 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or any rule of this Part; and
 - B) Presence of a disease which might endanger the Illinois swine industry.
 - d) Imported breeding swine shall be kept isolated until a percentage of the imported breeding swine are retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 90 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are

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involved, a minimum of 30 percent or 30 animals, whichever is less, is to be used. Swine of growing or finishing age are exempt from the requirements for Stage V under the Pseudorabies Eradication IV or under the Pseudorabies Eradication Stage V. State-Federal-Industry Program Standards are exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Job Training and Economic Development Demonstration Grant Program
- 2) Code Citation: 56 Ill. Adm. Code 2660
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2660.10	New
2660.20	New
2660.30	New
2660.40	New
2660.110	New
2660.120	New
2660.130	New
2660.140	New
2660.150	New
2660.160	New
2660.170	New
2660.180	New
2660.210	New
2660.220	New
2660.230	New
2660.240	New
2660.250	New
2660.260	New
2660.270	New

4) Statutory Authority: 20 ILCS 605/46.19)

- 5) A Complete Description of the Subjects and Issues Involved: On August 17, 1997, Governor Edgar signed legislation creating the new Job Training and Economic Development Demonstration Grant Program. This new legislation requires DCCA to adopt rules and create a competitive application procedure for grants to be awarded beginning fiscal year 1998. Pursuant to this legislation, the Department of Commerce and Community Affairs (DCCA) is required to award no less than 12 and no more than 20 grants to Community Based Providers. Grant funds have been appropriated to DCCA for fiscal year 1998. FY'98 grant funds must be expended by June 30, 1998. Collaterally with this filing, DCCA has also adopted Emergency Rules, so that the creation of the competitive grant application process will not be delayed which, in turn, will enhance the ability of DCCA to award FY'98 grant funds in a timely manner. These collateral filings are intended to insure that FY'98 funds will be fully utilized in accordance with the intent of the legislation. These rules specify the competitive grant process as required by statute. This rulemaking specifies competitive procedures for the award of grants for the planning and delivery of job training programs designed and implemented in partnership with local employers. This rulemaking specifies: program purpose; definitions; eligible applicants; application

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

procedures; allowable activities and costs; reporting requirements; and, grant selection criteria.

- 6) Will these proposed rules replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805).

11) Time, Place and Manner in which interested persons may comment on the proposed rulemaking: Interested persons may present their comments regarding this proposed rulemaking in writing within 45 days after this edition of the *Illinois Register* to the following:

James A. O'Brien
Department of Commerce and Community Affairs
Job Training Division
320 Madison Street, S-4
Springfield, IL 62701
217-785-6225
Fax: 217-785-6454
TDD: 217-785-6055

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Varied
- B) Reporting, bookkeeping or other procedures required for compliance: Nominal and varied
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rule was summarized either of the 2 most recent agendas because: This rulemaking was not anticipated by the Agency.

The full text of the proposed rules is identical to the text of the emergency rules which appears in this issue of the Register on page _____:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Determination Of Unemployment Contributions

- 2) Code Citation: 56 Ill. Adm. Code 2770

- 3) Section Number: Proposed Action:
Amended
2770.110

- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701

- 5) A. Complete Description of the Subjects and Issues Involved: The proposed amendment to Part 2770 announces the 1998 contribution rates for newly liable employers by classification within their Standard Industrial Code. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the obsolete subsection with the rates for 1992 as it is no longer needed.

- 6) Will the proposed amendment replace an emergency amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this Rule contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Not applicable.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Gregory J. Ranel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago, IL 60605
312-793-4240

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment may have an impact on small businesses and not for profit corporations as defined in Sections 1-75 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75 and 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

the Illinois Administrative Procedure Act (5 ILCS 100/5-30). These amendments shall indicate their status as a small business, not-for-profit corporation as part of any written comments that they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business, small municipalities and not for profit corporations affected: The proposed rules affect all businesses equally.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: It is already provided for in the Regulatory Agenda for the year 1990. The Regulatory Agenda for the year 1990 was published in the Illinois Register on 12/1/89. Since 1989, the Standard Industrial Code rates for the upcoming year. Since 1989, the Director has been doing so through an amendment to Section 2770.110 so it was thought that it would be redundant to include this rulemaking in a Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2770

DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section	Industrial Classification
2770.100	Contribution Rate For Non Experience-Rated Employers
2770.105	Average Contribution Rates By Standard Industrial Classification (SIC) Codes
2770.110	

SUBPART C: ALTERNATIVE BENEFIT WAGE RATIO (Repealed)

Section	Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
2770.140	Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
2770.155	(Repealed)
2770.160	Adjustment Of Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
2770.165	Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
2770.170	Appeals (Repealed)

SUBPART E: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO SUBSEQUENT EMPLOYER (Repealed)

Section	Definitions (Repealed)
2770.400	Application of Base Period Wages (Repealed)
2770.405	Restriction On Benefit Wage Transfers (Repealed)
2770.410	Benefit Wage Transfer Procedural Requirements (Repealed)
2770.420	Petition For Hearing (Repealed)
2770.425	

SUBPART F: BENEFIT WAGE CANCELLATIONS

Section	Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act
2770.501	

TABLE A General SIC Classifications

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600; Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; reclassified from 56 Ill. Adm. Code 600; Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 12133, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 12483, effective October 1, 1988; amended at 13 Ill. Reg. 20747, effective November 28, 1989; amended at 13 Ill. Reg. 25907, effective January 29, 1989; amended at 14 Ill. Reg. 7038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8563, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

a) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1993, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3-9%
10-14	B. Mining	9-6%
15-17	C. Construction	3-5%
20-39	D. Manufacturing	2-6%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2-3%
50-51	F. Wholesale Trade	1-5%
52-59	G. Retail Trade	1-4%
60-67	H. Finance, Insurance, Real Estate	1-2%

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

70-89 B. Mining
91-97 C. Construction
99 D. Manufacturing

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1993, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3-0%
10-14	B. Mining	3-6%
15-17	C. Construction	1-8%
20-39	D. Manufacturing	2-2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2-2%
50-51	F. Wholesale Trade	1-6%
52-59	G. Retail Trade	1-4%
60-67	H. Finance, Insurance, Real Estate	1-2%
70-89	I. Services	1-3%
91-97	J. Public Administration	1-5%
99	K. Nonclassifiable Establishments	1-8%

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1994, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3-5%
10-14	B. Mining	4-1%
15-17	C. Construction	4-4%
20-39	D. Manufacturing	2-7%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2-6%
50-51	F. Wholesale Trade	2-0%
52-59	G. Retail Trade	1-6%
60-67	H. Finance, Insurance, Real Estate	1-4%
70-89	I. Services	1-5%
91-97	J. Public Administration	1-6%
99	K. Nonclassifiable Establishments	1-9%

DEPARTMENT OF EMPLOYMENT SECURITY

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ments

c)d† The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1995, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	4.0%
10-14	B. Mining	4.5%
15-17	C. Construction	5.0%
20-39	D. Manufacturing	3.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.0%
50-51	F. Wholesale Trade	2.4%
52-59	G. Retail Trade	1.9%
60-67	H. Finance, Insurance, Real Estate	1.7%
70-89	I. Services	1.8%
91-97	J. Public Administration	1.6%
99	K. Nonclassifiable Establishments	2.5%

d)† The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1996, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.9%
10-14	B. Mining	4.3%
15-17	C. Construction	4.7%
20-39	D. Manufacturing	2.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.7%
50-51	F. Wholesale Trade	2.2%
52-59	G. Retail Trade	1.7%
60-67	H. Finance, Insurance, Real Estate	1.5%
70-89	I. Services	1.7%
91-97	J. Public Administration	1.6%
99	K. Nonclassifiable Establishments	2.4%

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

ments

e)† The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1997, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.2%
10-14	B. Mining	3.6%
15-17	C. Construction	3.8%
20-39	D. Manufacturing	1.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.9%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.2%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.2%
91-97	J. Public Administration	1.1%

f) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1998, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.1%
10-14	B. Mining	3.4%
15-17	C. Construction	3.5%
20-39	D. Manufacturing	1.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.9%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.2%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.2%
91-97	J. Public Administration	1.1%

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Small Employer Carrier Actuarial Certification and Documentation Requirements

- 2) Code Citation: 50 Ill. Adm. Code 5100

- 3) Section Numbers: Proposed Action:

5100.10 Repealed
5100.20 Repealed
5100.30 Repealed
5100.40 Repealed
5100.50 Repealed

- 4) Statutory Authority: Implementing and authorized by the Small Employer Rating, Renewability and Portability Health Insurance Act [215 ILCS 95].

- 5) A Complete Description of the Subjects and Issues Involved: Sections 25, 30, 35, 40, 45 and 50 of the Small Employer Rating, Renewability and Portability Health Insurance Act have been repealed by P.A. 90-0030 effective July 1, 1997. As a result, the Department is repealing Part 5100 which specifically implements Section 45 of the Small Employer Rating, Renewability and Portability Health Insurance Act which is now repealed.

- 6) Will this proposed repealer replace an emergency rule currently in effect?
No

- 7) Does this repealer contain an automatic repeal date? No

- 8) Does this proposed repealer contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed repealer: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Cindy Stephenson

Staff Attorney

Department of Insurance

(or)

20 West Madison

Springfield, IL 62767

(217) 524-1634

Mary Meyer

Paralegal

Department of Insurance

20 West Madison

Springfield, IL 62767

(217) 785-8220

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The Department has determined that these proposed amendments will not affect "small businesses."
- B) Reporting, bookkeeping or other procedures required for compliance: There are no reporting or bookkeeping requirements associated with this repealer.

- C) Types of professional skills necessary for compliance: There are no professional skills necessary for compliance.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because the Department did not anticipate that Part 5100 was going to be repealed by P.A. 90-0030 before the most recent agenda.

The full text of the Proposed Repealer begins on the next page:

12073

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE

CHAPTER 1: DEPARTMENT OF INSURANCE
SUBCHAPTER 100: SMALL EMPLOYER RATING, RENEWABILITY AND
PORTABILITY HEALTH INSURANCE

SMALL EMPLOYER CARRIER ACTUARIAL CERTIFICATION AND
DOCUMENTATION REQUIREMENTS (REPEALED)

Section
5100.10 Purpose
5100.20 Applicability and Scope
5100.30 Definitions
5100.40 Small Employer Carrier Rating and Underwriting Records
5100.50 Actuarial Certification and Format

AUTHORITY: Implementing and authorized by the Small Employer
Renewability and Portability Health Insurance Act (215 ILCS 95).
SOURCES: Adopted at 20 Ill. Reg. 12589, effective September 9, 1996; repealed
at 21 Ill. Reg. _____, effective _____.

Section 5100.10 Purpose

The purpose of this Part is to set standards for the filling and contents of a
small employer carrier actuarial certification.

Section 5100.20 Applicability and Scope

This Part (A.) ...shall apply to each health benefit plan for a small employer
that is delivered, issued for delivery, renewed or continued in this State
after January 1, 1994. For purposes of this Section, the date a plan is
continued shall be the first rating period which commences after January 1,
1994.

The Small Employer Rating, Renewability and Portability Health Insurance Act
(the Act) shall apply to any such health benefit plan which provides coverage
to employees of a small employer, except that the Act shall not apply to
individual health insurance policies.

(B.)(1) Except as provided in paragraph (2) for the purposes of this Act,
carriers that are affiliated companies or that are eligible to file a
consolidate (sic) tax return shall be treated as one carrier and any
restrictions or limitations imposed by this Act shall apply as if all health
benefit plans delivered or issued for delivery to small employers in this State
by such affiliated carriers were issued by one carrier.

(2) An affiliated carrier that is a health maintenance organization having a

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

certificate of authority under Section 2-1 of the Health Maintenance
Organization Act (215 ILCS 125/2-1) may be considered to be a separate carrier
for the purposes of this Act. [215 ILCS 95/15]

Section 5100.30 Definitions

"Actuarial Certification" means a written statement by a member of the
American Academy of Actuaries or an other individual acceptable to the
Director..... [215 ILCS 95/10] pursuant to Section 5100.40(c) of this
Part.

"Director" means the Director of Insurance. [215 ILCS 95/10]

"Health benefit plan" or plan shall mean any hospital or medical
expense-incurred policy or certificate, hospital or medical service
plan contract, or health maintenance organization subscriber contract.
Health benefit plan shall not include individual, accident-only,
credit, dental, vision, medicare supplement, hospital indemnity, long
term care or disability income insurance, workers' compensation or
similar insurance, or automobile medical payment insurance. [215 ILCS
95/10]

Other individual acceptable to the Director means an individual who is
not a member of the American Academy of Actuaries but who has met the
following requirements.

The individual must demonstrate appropriate experience and
educational background. The small employer carrier who wishes to
utilize the services of an individual who is not a member of the
American Academy of Actuaries must, in advance of the performance
of the task, obtain approval from the Director. An actuarial
certification completed by a person other than a member of the
American Academy of Actuaries who has not been pre-approved by
the Director will not be accepted.

Review of Appropriate Records means a review conducted in accordance
with the Actuarial Standards Board document, entitled "Actuarial
Standards Practice No. 23" which addresses the Data Quality Issue and
gives guidance on what level of review would be required in a review
of appropriate records.

"Small employer" means any person, firm, corporation, partnership, or
association that is actively engaged in business that, on at least
fifty percent (50%) of its working days during the preceding calendar
quarter, employed at least three (3) but no more than twenty-five (25)
eligible employees, the majority of whom were employed in this State.
In determining the number of eligible employees, companies that are
affiliated companies, or that are eligible to file a combined tax

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

return for purposes of State taxation, shall be considered one employer. [215 ILCS 95/10]

"Small employer carrier" means a carrier that offers health benefit plans covering eligible employees of one or more small employers in this State. [215 ILCS 95/10]

Section 5100.40 Small Employer Carrier Rating and Underwriting Records

"Each small employer carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and renewal underwriting processes, including information and documentation demonstrating that its rating and underwriting practices are based on generally accepted actuarial assumptions and are in accordance with sound actuarial principles." (215 ILCS 95/45) The Director requires that the small employer carrier maintain and/or authorize access to these records for a period of three years from the date of certification. This shall include any workpapers prepared in support of the actuarial certification.

Section 5100.50 Actuarial Certification and Format

a) An actuarial memorandum must document the demonstrations used by the actuary to support the opinion provided in the actuarial certification. The Actuarial Standards Board document entitled "Actuarial Standard of Practice No. 23 addresses the Data Quality issue and gives guidance on what level of documentation must be maintained.

- b) An actuarial certification must contain the following:
 - 1) The full name of the small employer carrier for which this certification is being submitted.
 - 2) A statement as to whether the undersigned actuary is a member of the American Academy of Actuaries, and if not a member, they must indicate when they were pre-approved by the Director pursuant to Section 5100.30 of this Part.
 - 3) The period for which the certification is being made.
 - 4) The actuary may rely on others for data, but may not rely on another actuarial opinion. The nature and extent of reliance must be disclosed in the actuarial certification. The extent of reliance is subject to the Actuarial Standard of Practice No. 23 on Data Quality.
 - 5) The actuarial certification must contain a statement that the small employer carrier's rates either are or are not in compliance with Section 30 of the Small Employer Rating, Renewability and Portability Health Insurance Act [215 ILCS 95/30].
- If the actuary determines that the small employer carrier's rates or rating factors do not comply with statutory requirements, the following statement must be included with a detailed description of the areas in which the rates were not in compliance, and the

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

small employer carrier's plan to correct the areas of non-compliance:

In the course of my review of the compliance of the rates and rating methodology of (small employer carrier name), I discovered that (small employer carrier's) rates (or rating factors) did not comply with the statutory requirements of Illinois in the following ways: (Include the explanation and efforts to correct.)

- 6) Health benefit plans delivered or issued for delivery prior to January 1, 1994 which meet the requirements of Section 30(A.15) of the Act [215 ILCS 95/30(A.15)] but do not meet the requirements of Section 30(A.13) [215 ILCS 95/30(A.13)] do not have to be submitted to the Director pursuant to Section 30(A.13) beginning January 1, 1997 through January 1, 1998 to be certified March 15, 1998.
- 7) An actuarial certification must be submitted in the following format:
 - I, (name) am an officer/employee of OR an associated with the firm of (employer name) and am a member of the American Academy of Actuaries.
 - (or)
 - I, (name) am an officer/employee of OR an associated with the firm of (employer name) and am not a member of the American Academy of Actuaries. I meet the definitional standards of the "Other Individual Acceptable to the Director" and have received the Director's prior approval on (date) pursuant to 50 Ill. Adm. Code 5100.30.

I am completing the small employer carrier actuarial certification for (name of small group carrier). I am familiar with the applicable statutory provisions of 215 ILCS 95 and requirements of 50 Ill. Adm. Code 5100.

This certification is for the period from through

I relied on listings (summaries, rate manuals, etc.) of relevant data prepared by (name and title of company officer responsible for preparing the underlying records).

Based upon my review, I find that the small employer carrier (is/is not) in compliance with Section 30 of the Small Employer Rating, Renewability and Portability Health Insurance Act [215 ILCS 95/30].

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(If not in compliance, include required explanation and detail of efforts to correct as required by Section 5100.50(b)(5) of this Part.)

In other respects, my examination included a review of the actuarial methods in order to assure that the rating methods of the small employer carrier were actuarially sound.

Actuarial methods, considerations and analysis used in forming my opinion conform to the appropriate standards of practice, which standards form the basis of the statement of opinion.

Actuary Name (typewritten)

Signature of Actuary

Date

- 8) The actuarial certification required by this Part must be submitted to:

Illinois Department of Insurance
Life Actuarial Section
320 West Washington Street
Springfield, Illinois 62767-0001

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Boat and Snowmobile Registration and Safety

- 2) Code Citation: 17 Ill. Adm. Code 2010

- 3) Section Numbers: Proposed Action:
2010.60 Amendments
2010.80 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act (625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1) and the Snowmobile Registration and Safety Act (625 ILCS 40).

- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add language clarifying what entities are permitted to file following boat and snowmobile accidents and to add information outlining the Internet and 1-800 phone system renewal process.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Recordkeeping, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 11. DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2010

BOAT AND SNOWMOBILE REGISTRATION AND SAFETY

Section

2010-20	Form of Application for Boat Registration and Title
2010-25	Form of Application for Snowmobile Registration
2010-30	Numbering Pattern to be Used for Boat Registration
2010-35	Numbering Pattern to be Used for Snowmobile Registration
2010-40	Display of Number on Boats
2010-50	Change of Address (Repeated)
2010-60	Reports in Case of Accident
2010-70	Statutory Authority (repeated)
2010-80	Registration for Boats and Snowmobiles
2010-90	Authorized Dealers

AUTHORITY: Implementing and authorized by Sections 3-1, 3-2, 3-3, 3-4, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 3-4, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40].

SOURCE: Filed January 13, 1960; codified at 5 Ill. Reg. 10660; amended at 8 Ill. Reg. 7801, effective May 23, 1984; amended at 10 Ill. Reg. 9769, effective May 21, 1986; reclassified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 9028, effective June 26, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 2010.60 Reports in Case of Accident

- a) Whenever a boat is involved in a collision or accident causing injury or death to persons or property, damage over \$500, or a snowmobile is involved in a collision or accident causing injury or death to persons or property damage over \$100, a report must be made to the Department. All accidents which result in death or serious injury to any person shall be reported by the operator within 48 hours. All other accidents shall be reported within 5 days.
- b) Every Boating Accident Report shall include the following:
- 1) The numbers and/or names of vessels involved
 - 2) The locality where the accident occurred
 - 3) The time and date when the accident occurred
 - 4) Weather and water conditions at time of accident
 - 5) The name, address, age, and boat operating experience of the operator of the reporting vessel
 - 6) The names and addresses of operators of other vessels involved
 - 7) The names and addresses of the owners of vessels or property involved

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- involved
- 8) The names and addresses of any person or persons injured or killed
- 9) The nature and extent of injury to any person or persons
- 10) A description of damage to property (including vessels) and estimated cost of repairs
- 11) A description of the accident (including opinions as to the causes)
- 12) The length, propulsion, horsepower, fuel and construction of the reporting vessel
- 13) Names and addresses of known witnesses
- 14) Information pertaining to the use or availability of life saving devices
- c) Every snowmobile accident report shall include the following:
- 1) The locality where the accident occurred
 - 2) The time and date of the accident
 - 3) Weather and snow conditions at time of accident
 - 4) Type of terrain
 - 5) The snowmobile's address, age, and operating experience of operator of the snowmobile
 - 6) The names and addresses of owners of the snowmobile involved
 - 7) The names and addresses of any person or persons injured or killed
 - 8) The nature and extent of injury to any person or persons
 - 9) A description of damage to property
 - 10) Nature of operation at time of accident
 - 11) A description of accident
 - 12) Operator's certificate number
 - 13) Names and addresses of known witnesses
 - 14) Description of snowmobiles
 - 15) Nature of assistance furnished
 - 16) Persons on snowmobile other than operator
 - 17) Names and address of operator and registration of other vehicle involved
- d) Boat and snowmobile accidents shall be reported on forms provided by the Department by calling 217/782-6431 or writing to:
- Department of Natural Resources
Division of Law Enforcement
524 S. Second Street
Springfield, IL 62701-1787

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2010.80 Renewals for Boat and Snowmobile Registration

- a) Renewal fees for boats shall be as set out in Section 3-2 of the Boat Registration and Safety Act [625 ILCS 45/3-2].

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NOTICE OF PROPOSED AMENDMENT(S)

- b) Renewal fees for snowmobiles shall be \$12 for a 3 year period.
- c) Persons wishing to renew three year registrations via the Internet or the 1-800 phone system:
- 1) Must:
 - A) Make the renewal through the Department's Internet Home Page or by phoning a Department approved 1-800 telephone number.
 - B) Using the existing registration card, enter the 11 registration number, Hull ID, and Use Code registered for the craft/snowmobile.
 - C) Enter necessary address change information.
 - D) Make payment via electronic commerce (example: credit card).
 - 2) May be charged a convenience fee by the contract service provider not to exceed \$4 to cover the cost of the Internet or 1-800 phone transaction. Renewals may be accomplished by mailing the application accompanied by check or money order with no convenience fee charges. Mail-in renewals take 2-3 weeks and a time delay delivery through the mail.
 - 3) After the transaction, the registrant immediately receives a transaction confirmation, which is a new Internet registration card. This affords the person the ability to then immediately pursue boating or snowmobile activities. Both the Internet and phone systems offer immediate registration verification for law enforcement.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Countdown
- 2) Code Citation: 11 Ill. Adm. Code 317
- 3) Section Numbers: Proposed Action:
317.50 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds a provision to allow distribution of the daily net pool if fewer than three Countdown contests are cancelled or declared "no contest".
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro
Legal Department
Illinois Racing Board
100 West Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-5070

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was submitted: This rulemaking

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Board.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 317

COUNTDOWN

- Section
 317.10 General
 317.20 Pool Calculations
 317.30 Dead Heats
 317.40 Scratches
 317.50 Cancellation
 317.60 Carryover Cap
 317.70 Mandatory Distribution

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 21 Ill. Reg. 6572, effective May 19, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 317.50 Cancellation

- a) The Countdown pool shall be canceled and all Countdown wagers for the individual performance shall be refunded if three or more contests included as part of the countdown wager are canceled or declared "no contest".
- at the field of contestants in any of the designated Countdown contests is reduced by scratches to fewer than five contestants;
- b) If one of two contests included as part of a any-of-the-remaining Countdown contests are canceled or declared "no contest", the daily net pool shall be distributed as a single prize pool to wagers correctly selecting the winning betting interests in the remaining Countdown contests. The carryover, if any, shall be added to the next scheduled prize pool contest by the stewards after the first designated race has been run.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Match Rival

2) Code Citation: 11 Ill. Adm. Code 315

3) Section Numbers:
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ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Board.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCONOL, HORSE RACING AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 11: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 315

MATCH RIVAL

Section

315.10 General

315.20 Pool Distribution

315.30 Pool Cancellation (Repealed)

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 6579, effective May 19, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 315.20 Pool Distribution

The net match rival pool shall be distributed to winning wagers based upon the official order of finish as a single price pool to those whose selection arrives at the finish line first in a single contest or contains the most winners in a series of contests.

- a) In the event both contestants fail to finish in a single contest or the contest is cancelled or declared no contest, the entire pool shall be refunded for that wager.
- b) In a series of contests of a match rival wager, more than half of the at-least-two contests must be completed or the entire wager shall be cancelled and the entire pool refunded.
- c) In the event the dead heat is declared in a single event contest, the entire pool shall be refunded for that wager. In the event there is a dead heat in one or more races in a series of contests, all contestants involved in the dead heat shall be considered winners.
- d) In the event any contestant is scratched or declared a non-starter by the Stewards in any match rival contest, that contest shall be cancelled.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 315.30 Pool Cancellation (Repealed)

- a) In the event there is a dead heat in a single event contest, the entire pool shall be refunded for that wager. In the event there is a dead heat in one or more races in a series of contests, all

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- contestants shall be considered winners:
- b) in the event any contestant is scratched or declared a non-starter--by the stewards in any match-rival--racey--the entire wager shall be canceled and the entire pool refunded;
- c) in the event any match-rival race is canceled or declared a no-contest by the Stewards--the entire wager shall be canceled and the entire pool refunded;

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Numbers: Proposed Action:
603.180 New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the procedures for Carbon Dioxide Testing. The proposed rule contains provisions for testing, establishes levels of TC02 and details penalties for excessive post race TC02 levels.
- 6) Will these Proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other Proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:
- Gina DiCaro
Legal Department
Illinois Racing Board
100 West Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-5070
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for Profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was submitted: This rulemaking

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Board.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603

MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-Four Hour Ban
603.50	Trainer Responsibility
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Restraints
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 603.180 Carbon Dioxide Tests

- a) The Board recognizes that an excess level of total carbon dioxide (TCO2) in the race horse is considered adverse to the best interests of racing and adverse to the best interest of the horse in that such condition alters its normal physiological state. Accordingly, in compliance with post race testing procedures set forth in Section 603.110 (Test Samples), the State Veterinarian may draw blood samples from a horse for the purpose of obtaining a TCO2 concentration.
 - b) Blood samples for TCO2 shall be drawn not earlier than one hour following the official post time of the race.
 - c) The most race TCO2 level in the blood shall not exceed:
 - 1) 32.0 millimoles per liter. If the horse is competing on fucoxemide in accordance with Section 603.170 (Fucoxemide).

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NOTICE OF PROPOSED AMENDMENTS

- 2) 27.0 millimoles per liter if the horse is not competing on Eurocimeter.
- d) In the event a post race sample from a horse contains an amount of TC02 which exceeds the levels described in subsection (c), the following penalties shall apply:
- 1) The first time the laboratory reports an excessive TC02 level, the trainer shall be fined not more than \$500 and the purse shall be redistributed.
 - 2) The second time the laboratory reports an excessive TC02 level, the trainer shall be suspended not more than 30 days and/or fined not more than \$1,000 and the purse shall be redistributed.
 - 3) For each subsequent report of an excessive TC02 level, the trainer shall be subject to a suspension of not longer than 120 days, a fine of not more than \$1,000 and the purse shall be redistributed.
- e) The provisions of Section 603.120 (Referee Samples) shall not apply to blood samples drawn for purposes of carbon dioxide testing.

(Source: Added at 21 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: PPT
- 2) Code Citation: 11 Ill. Adm. Code 314
- 3) Action Numbers:

314.10	<u>Proposed Action:</u>
314.30	Amendment
314.50	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to Section 314.30 clarifies the payout provisions in the case of scratches in the PPT contests. The proposed amendment to Section 314.50 adds a provision for payout of the daily net pool in the event one of the three PPT contests is cancelled. The amendment to Section 314.10 was done to correct the general provision consistent with the new cancellation provision.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic renewal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro
Legal Department
Illinois Racing Board
100 West Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-5070
- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:

ILLINOIS RACING BOARD

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None

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Board.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 314

PPT

Section	General
314.10	Pool Distribution
314.20	Scratches
314.30	Dead Heats
314.40	Rescinded
314.50	Mandatory Distribution

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3247, effective April 1, 1997; amended at 21 Ill. Reg. _____, effective _____.

Section 314.10 General

- a) The PPT (perfecta, perfecta, trifecta) requires the selection of the first two finishers in each of two designated contests and the first three finishers of a third designated contest, in exact order.
- b) PPT wagers shall be calculated in an entirely separate pool.
- c) An organization licensee offering the PPT wager may rename the wager and the pool. The name of the designated contest remains the same throughout the race meet by the organization licensee.
- d) Entries and fields shall be allowed in the two designated perfecta contests without restriction. Entries and fields shall be allowed in the designated trifecta contest only in accordance with Section 306.20.
- e) The minimum field requirements set forth in Section 306.30 for trifectas shall apply to the designated trifecta contest of the PPT.
- ~~In-the-event-the-trifecta-wagering-is-cancelled-all-PPT-wagers-shall be refunded.~~
- f) In the event the organization licensee prohibits perfecta wagering pursuant to 11 Ill. Adm. Code 300.80(c), all PPT wagers shall be refunded.
- g) Each PPT contest shall be clearly designated in the official program.
- h) An organization licensee may offer only one PPT wager per program.
- (Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 314.30 Scratches

- a) In the event any contestant that is not part of an entry or field is scratched prior to the start of the first designated PPT contest being declared official, all wagers including the scratched betting interests shall be refunded.
- b) In the event any contestant that is part of an entry or field is scratched prior to the start of the first designated PPT contest being declared official, the remaining contestants in that entry or field shall remain valid betting interests and no refunds shall be granted.
- c) In the event any contestant is scratched after the first designated PPT contest has been declared official, those holding wagers which contain scratched betting interests with exact winning combinations in two of the three either-of-the-remaining PPT contests shall receive a refund.
- d) In the event the organization licensee elects method 1 of the pool distribution (Section 314.20(a)), those whose wagering combination contains a scratched betting interest without any winning combinations in two of the three either-of-the-remaining PPT contests shall not receive a refund.
- e) In the event the organization licensee elects method 2 of the pool distribution (Section 314.20(b)), those whose wagering combination contains a scratched betting interest without any winning combinations in two of the three either-of-the-remaining PPT contests shall receive a 50% refund only in the event no wager correctly selects the exact winning combination for the entire PPT wager.

- d) In the event of a mandatory distribution, those wagers containing a scratched betting interest with an exact winning combinations combination in two of the three either-of-the-remaining PPT contests shall be considered winning wagers and shall not be subject to a refund, only in the event no wager correctly selects the exact winning combination for the entire PPT wager.
- e) In the event the licensee reduces the number of betting interests below the minimum field required for the conduct of the PPT, the daily net PPT pool shall be distributed as a single price pool to those whose combination contains the winning combinations for the two perfecta contests. If there are no wagers which correctly select the winning combination for both perfecta contests, the daily net pool shall be refunded and the carryover pool, if any, shall be carried to the next racing program.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 314.50 Races Cancelled

- a) In the event one of the PPT contests is cancelled, the daily net pool

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

shall be distributed to holders of PPT wagers which correctly select the exact winning combinations for the remaining two PPT contests, as if the first PPT contest had not been cancelled. If any shall be carried forward to the next racing program carryover, if any, shall be carried forward to the next racing program.

b) In the event two or more of the PPT contests are cancelled, all valid PPT wagers shall be refunded and the carryover, if any, shall be carried forward to the next racing program.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Numbers: Proposed Action:
100-2195 New Section

4) Statutory Authority: 35 ILCS 210

5) Complete Description of the Subjects and Issues Involved: This rulemaking sets forth the requirements for claiming the Dependent Care Assistance Program Tax Credit. The credit is established by Section 210 of the Illinois Income Tax Act, is effective for tax years ending on or after June 30, 1997, and is credit against the tax imposed by subsections (a) and (b) of Section 202 of the Illinois Income Tax Act. The credit is equal to 5% of the amount of expenditures for the calendar year for which the credit is claimed and reported pursuant to Section 123(d)(7) of the Internal Revenue Code, to provide in the Illinois premises of the taxpayer's workplace an on-site facility dependent care assistance program under Section 129 of the Internal Revenue Code.

6) Will this Proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this Proposed amendment contain incorporations by reference? No

9) Are there any other Proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does the rulemaking affect any existing State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Keith Staats
Associate Chief Counsel (Income Tax)
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-7055

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses affected: Any small business, primarily engaged in manufacturing, that provides an on-site facility dependent care assistance program under Section 129 of the Internal Revenue Code.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) State the reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: July 1997

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER 1: DEPARTMENT OF REVENUE

PART 100

INCOME TAX

SUBPART A: TAX IMPOSED

Section 100.2000

100.2050

Introduction

Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

100.2100

Replacement Tax Investment Credit Prior to January 1, 1994 (IITA

201(e))

100.2101

Replacement Tax Investment Credit (IITA 201(e))

100.2110

Investment Credit; Enterprise Zone (IITA 201(f))

100.2120

Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone

(IITA 201(g))

100.2130

Investment Credit; High Impact Business (IITA 201(h))

100.2140

Credit for Investment Tax (IITA 201(i))

100.2150

Training Expense Credit (IITA 201(j))

100.2160

Research and Development Credit (IITA 201(k))

100.2170

Tax Credits for Coal Research and Coal Utilization Equipment

(IITA

206)

100.2180

Credit for Residential Real Property Taxes (IITA 208)

100.2195

Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

OCCURRING PRIOR TO DECEMBER 31, 1986

Section

100.2200

Net Operating Losses Occurring Prior to December 31, 1986, of

Unitary Business Groups: Treatment by Members of the Unitary

Business Group (IITA Section 202) - Scope

100.2210

Net Operating Losses Occurring Prior to December 31, 1986, of

Unitary Business Groups: Treatment by Members of the Unitary

Business Group (IITA Section 202) - Definition

100.2220

Net Operating Losses Occurring Prior to December 31, 1986, of

Unitary Business Groups: Treatment by Members of the Unitary

Business Group (IITA Section 202) - Current Net Operating Losses;

Offsets Between Members

100.2230

Net Operating Losses Occurring Prior to December 31, 1986, of

Unitary Business Groups: Treatment by Members of the Unitary

Business Group (IITA Section 202) - Carrybacks and Carryforwards

100.2240

Net Operating Losses Occurring Prior to December 31, 1986, of

Unitary Business Groups: Treatment by Members of the Unitary

Business Group (IITA Section 202) - Carrybacks and Carryforwards

SUBPART D: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

OCCURRING PRIOR TO DECEMBER 31, 1986

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER 1: DEPARTMENT OF REVENUE

PART 100

INCOME TAX

SUBPART A: TAX IMPOSED

SUBPART B: CREDITS

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

OCCURRING PRIOR TO DECEMBER 31, 1986

SUBPART D: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

OCCURRING PRIOR TO DECEMBER 31, 1986

Section 100.2300

Illinois Net Loss Deductions for Losses Occurring On or After

December 31, 1986

100.2310

Computation of the Illinois Net Loss Deduction

100.2320

Determination of the Amount of Illinois Net Loss Carryovers

100.2330

Illinois Net Loss Carrybacks and Net Loss Carryovers

100.2340

Illinois Net Loss Deductions of Corporations That are Members of a

Unitary Business Group: Separate Unitary Versus Combined Unitary

Returns

100.2350

Illinois Net Loss Deductions of Corporations That are Members of a

Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,

CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470

Subtraction of Amounts Exempt from Taxation by Virtue of Illinois

Law, the Illinois or U.S. Constitutions, or by Reason of U.S.

Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J),

203(c)(2)(F) and 203(d)(2)(G))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section 100.2580

Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5),

203(d)(2)(S) and 203(d)(2)(T))

100.2590

Taxation of Certain Employees of Railroads, Motor Carriers, Air

Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section 100.2680

Capital Gain Income of Estates and Trusts Paid to or Permanently Set

Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPOINTMENT OF

INCOME

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

BASE INCOME

Section
100.3000 Terms Used in Article 3 (IIITA Section 301)
100.3010 Business and Nonbusiness Income (IIITA Section 301)
100.3020 Resident (IIITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section
100.3100 Compensation (IIITA Section 302)
100.3110 State (IIITA Section 302)
100.3120 Allocation of Compensation Paid to Nonresidents (IIITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3200 Taxability in Other State (IIITA Section 303)
100.3210 Commercial Domicile (IIITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IIITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3300 Allocation and Apportionment of Base Income (IIITA Section 304)
100.3310 Business Income of Persons Other than Residents (IIITA Section 304) - In General
100.3320 Business Income of Persons Other than Residents (IIITA Section 304) - Apportionment
100.3330 Business Income of Persons Other than Residents (IIITA Section 304) - Business Income of Persons Other than Residents (IIITA Section 304)
100.3340 Business Income of Persons Other than Residents (IIITA Section 304)
100.3350 Property Factor (IIITA Section 304)
100.3360 Payroll Factor (IIITA Section 304)
100.3370 Sales Factor (IIITA Section 304)
100.3380 Special Rules (IIITA Section 304)
100.3390 Petitions for Alternative Allocation or Apportionment (IIITA Section 304(f))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
100.5000 Time for Filing Returns: Individuals (IIITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IIITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IIITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENTS

Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IIITA Section 506)

SUBPART O: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required Forms and Computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credit for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section
100.5200 Election to File a Combined Return
100.5210 Procedure for Making the Election
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5270 Computation of Combined Income and Tax
100.5280 Definitions and Miscellaneous Provisions Relating to Combined Returns

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IIITA Section 701)
100.7010 Compensation Paid in this State (IIITA Section 701)
100.7020 Transacting Business Within this State (IIITA Section 701)
100.7030 Payments to Residents (IIITA Section 701)
100.7040 Employer Registration (IIITA Section 701)
100.7050 Computation of Amount Withheld (IIITA Section 701)
100.7060 Additional Withholding (IIITA Section 701)
100.7070 Voluntary Withholding (IIITA Section 701)
100.7080 Correction of Underwithholding or Overwithholding (IIITA Section 701)
100.7090 Reciprocal Agreement (IIITA Section 701)
100.7095 Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100 Withholding Exemption (IIITA Section 702)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 27, 1992; for a maximum of 150 days; amended at 17 Ill. Reg. 8669, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 1, 1993; reclassified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 15001, effective November 18, 1993; amended at 17 Ill. Reg. 19866, effective January 9, 1994; amended at 18 Ill. Reg. 1510, effective January 18, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996; for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. _____, effective _____.

SUPPORT B: CREDITS

Section 100.2195. Dependent Care Assistance Program Tax Credit (IITRA 210)

- a) Beginning with tax years ending on or after June 30, 1995, each taxpayer who is primarily engaged in manufacturing is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 of the Act in an amount equal to 5% of the amount of expenditures by the taxpayer in the tax year for which the credit is claimed, not to exceed the amount of the taxpayer's expenditures for the year. The credit shall be claimed pursuant to Section 129(d)(7) of the Internal Revenue Code. To provide in the Illinois premises of the taxpayer's workplace an on-site facility for dependent care assistance program under Section 129 of the Internal Revenue Code (IITRA Section 210(a)).
- b) The term manufacturing is defined, for purposes of this credit, in the same manner as that term is defined for purposes of the Replacement Tax Investment Credit (see IITRA Section 201(e)). Manufacturing is the material, staining and production of tangible personal property by mechanical, chemical, or other means, including manufacturing, processing, fabricating or assembling in which changes some existing material into new shapes.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- new qualities, or new combinations. It is not necessary that such procedures result in a finished consumer product. Procedures commonly used as provided by the Internal Revenue Code are commonly used as provided by the Internal Revenue Code.
- c) A taxpayer is primarily engaged in manufacturing if more than 50% of the gross receipts of the taxpayer are received from the sale of items manufactured by the taxpayer.
- d) Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 2 taxable years following the year for which the credit is computed until it is used.
- 1) This credit shall be applied first to the earliest year for which there is a liability, if there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first [35 ILCS 5/210(b)].
- 2) If a taxpayer has a Dependent Care Assistance Program Credit and credit under this subsection, the taxpayer shall apply the Dependent Care Assistance Program Credit to tax otherwise due for a particular tax year prior to applying the credit with the 5 year carryforward.
- e) In determining the amount of the credit claimed by the employer, the employer shall claim the same fair market value of dependent care assistance in the form of on-site day care facility services, as is determined by the employer for federal purposes under the terms of Cumulative Bulletin Notice 99-11, 1999-2 CB 449. For this purpose fair market value of on-site dependent care assistance shall mean the employer's estimate of the fair market value of in-kind dependent care assistance provided to employees which shall be 125 percent of reasonably estimated direct costs. For this purpose, direct costs are food, extraneous materials and supplies, transportation, staff training, special or additional insurance, direct activities directly related to the operation of the day care facility, and the cost of labor for personnel whose services relate to the facility are performed primarily on the premises of the day care facility.
- f) A taxpayer claiming the credit provided by Section 210 needs to maintain records sufficient to document the costs associated with the provision of an on-site facility dependent care assistance program under Section 129 of the Internal Revenue Code. To the extent that the taxpayer determines the cost of the on-site facility for federal purposes in a manner different from that set forth in subsection (e) above, the taxpayer shall maintain books and records in a form sufficient to document all costs claimed under subsection (e).

(Source: Added at 21 Ill. Reg. _____, effective _____.)

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding

- 2) Code Citation: 44 Ill. Adm. Code 540

- 3) Proposed Action: This Part is a joint rule of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University. The text of this Part appears at 44 Ill. Adm. Code 525. It is the University's intention to repeal this Part and rely on the Joint Procurement rules at 44 Ill. Adm. Code 525.

- 4) Statutory Authority: [30 ILCS 505]

- 5) A Complete Description of the Subjects and Issues Involved: Public Act 89-4 changed the configuration and nomenclature associated with Illinois public universities governing boards, so these procurement rules are obsolete. Joint procurement rules encompassing the Board of Trustees of the University of Illinois (including the Board of Trustees of the University of Illinois) are located at 44 Ill. Adm. Code 525.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed repealer does not create nor expand any State mandate on units of local government, school districts, or community college districts.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed repealer may be submitted in writing for a period of 45 days following publication of this notice in the *Illinois Register* to:

Robert C. Baker
Director of IPREC Purchasing
University of Illinois at Urbana-Champaign
Purchasing Division
506 S. Wright St. Room 207
Urbana, IL 61801

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED REPEALER

Phone: 217-333-3582
Fax: 217-244-7879
E-Mail: rbaker@uiuc.edu

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This proposed repealer was not included on the most recent regulatory agenda because the need for the repealer was not known at the time that regulatory agenda was published.

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER V: BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY

PART 540

JOINT RULES OF THE BOARD OF REGENTS, THE BOARD OF GOVERNORS OF
STATE COLLEGES AND UNIVERSITIES, THE BOARD OF TRUSTEES OF
THE UNIVERSITY OF ILLINOIS, AND THE BOARD OF TRUSTEES OF
SOUTHERN ILLINOIS UNIVERSITY:
PROCUREMENT AND BIDDING (REPEALED)

(Editor's Note: This Part was is a joint rule of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University. Public Act 89-2, effective January 1, 1996, recognized the governing boards of the Illinois public universities into individual boards of trustees. These boards of trustees are subject to 44 Ill. Adm. Code 525. The text-of-this-Part appears at 44-III-Adm-Code-525.)

(Source: Repealed at 21 Ill. Reg. _____, effective _____.)

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding
- 2) Code Citation: 44 Ill. Adm. Code 530
- 3) Proposed Action: This Part is a joint rule of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University. The text of this Part appears at 44 Ill. Adm. Code 525. It is the University's intention to repeal this Part and rely on the Joint Procurement Rules at 44 Ill. Adm. Code 525.
- 4) Statutory Authority: [30 ILCS 505]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 89-2 changed the configuration and nomenclature associated with Illinois public universities. It created 16 public universities and 16 public community colleges. The Joint Procurement Rules encompassed the Board of Trustees of Illinois Public Universities (including the Board of Trustees of the University of Illinois) are located at 44 Ill. Adm. Code 525.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed repealer does not create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed repealer may be submitted in writing for a period of 45 days following publication of this notice in the Illinois Register to:

Robert C. Baker
Director of IPHEC Purchasing
University of Illinois at Urbana-Champaign
Purchasing Division
506 S. Wright St., Room 207
Urbana, IL 61801

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED REPEALER

Phone: 217-333-3582
Fax: 217-244-7879
E-Mail: rbaker@uiuc.edu

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
B) Reporting, bookkeeping or other procedures required for compliance: None
C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This proposed repealer was not included on the most recent regulatory agenda because the need for the repealer was not known at the time that regulatory agenda was published.

The full text of the proposed repealer appears on the next page.

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER III: BOARD OF GOVERNORS OF STATE COLLEGES
AND UNIVERSITIES

PART 530

JOINT RULES OF THE BOARD OF REGENTS, THE BOARD OF GOVERNORS OF
STATE COLLEGES AND UNIVERSITIES, THE BOARD OF TRUSTEES OF
THE UNIVERSITY OF ILLINOIS, AND THE BOARD OF TRUSTEES OF
SOUTHERN ILLINOIS UNIVERSITY:

PROCUREMENT AND BIDDING (REPEALED)

(Editor's Note: This Part was a joint rule of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University. Public Act 89-4, effective January 1, 1996, reorganized the governing boards of Illinois public universities into individual boards of trustees. These boards are subject to 44 Ill. Adm. Code 525, the text of this Part appears at 44-Ill-Adm-Code-525.)

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, and the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding

2) Code Citation: 44 Ill. Adm. Code 535

3) Proposed Action: This Part is a joint rule of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University. The text of this Part appears at 44 Ill. Adm. Code 535. It is the University's intention to repeal this Part and rely on the Joint Procurement rules at 44 Ill. Adm. Code 525.

4) Statutory Authority: [30 ILCS 505]

5) A Complete Description of the Subjects and Issues Involved: Public Act 89-4 changed the configuration and nomenclature associated with Illinois public universities governing boards, so these procurement rules are obsolete. Joint procurement rules encompassing the Board of Trustees of Illinois Public Universities (including the Board of Trustees of the University of Illinois) are located at 44 Ill. Adm. Code 525.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic renewal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed repealer does not create nor expand any State mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed repealer may be submitted in writing for a period of 45 days following publication of this notice in the *Illinois Register* to:

Robert C. Baker
Director of IPHRC Purchasing
University of Illinois at Urbana-Champaign
Purchasing Division
506 S. Wright St., Room 207
Urbana, IL 61801

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED REPEALER

Phone: 217-333-3582
Fax: 217-244-7879
E-Mail: rbaker@uiuc.edu

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This proposed repealer was not included on the most recent regulatory agenda because the need for the repealer was not known at the time that regulatory agenda was published.

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS

NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER IV: BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

PART 535

JOINT RULES OF THE BOARD OF REGENTS, THE BOARD OF GOVERNORS OF
STATE COLLEGES AND UNIVERSITIES, THE BOARD OF TRUSTEES OF
THE UNIVERSITY OF ILLINOIS, AND THE BOARD OF TRUSTEES OF

SOUTHERN ILLINOIS UNIVERSITY:
PROCUREMENT AND BIDDING (REPEALED)

(Editor's Note: This Part was a joint rule of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University. Public Act 89-4, effective January 1, 1996, reorganized the governing boards of the Illinois public universities into individual boards of trustees. These boards are subject to 44 Ill. Adm. Code 525. The text of this Part appears at 44-tit-Adm-Code-525.)

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Internal Service Funds

2) Code Citation: 74 Ill. Adm. Code 1000

3) Section Numbers: Adopted Action:

1000.10 New
1000.20 New
1000.30 New
1000.40 New
1000.50 New

4) Statutory Authority: Implementing and authorized by Section 25 of the State Finance Act [30 ILCS 105/25].

5) Effective Date of Rule: August 21, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 21, 1997

9) Notice of Proposal Published in Illinois Register: May 9, 1997, 21 Ill. Reg. 5687

10) Has JCER issued a Statement of Objections to this Rule? No

11) Differences between proposal and final version: Rewrote subsection 1000.50(a) as follows: "User agencies shall process payments within 30 days after physical receipt of Internal Service Fund bills. User agencies shall immediately notify the Department of any additional information that is necessary to review an Internal Service Fund bill."

Several minor editing changes were made.

12) Have all the changes agreed upon by the agency and JCER been made as indicated in the agreement letter issued by JCER? No agreements were necessary.

13) Will this rule replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule: Provides a procedure allowing agencies to make advance payments to CMS revolving funds and also allows CMS to give agencies credits in the revolving funds. Provides for billing, payment and credits in certain instances after the end of the fiscal year and end of fiscal year lapse period.

CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- 16) Information and questions regarding this adopted rule shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669
TDD (217)785-3979

The full text of the Adopted Rules herein on the next page:

CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

TITLE 74: PUBLIC FINANCE
CHAPTER IX: CENTRAL MANAGEMENT SERVICES

PART 1000

INTERNAL SERVICE FUNDS

Section	Scope
1000.10	Advance Billings Based Upon Estimated Charges
1000.20	Credits Issued For Prior Fiscal Year Overpayments
1000.30	Catch-Up Billings For Prior Fiscal Year Amounts Due
1000.40	User Agency Payments
1000.50	

AUTHORITY: Implementing and authorized by Section 25 of the State Finance Act [30 ILCS 105/25].

SOURCE: Adopted at 21 Ill. Reg. 15.000, effective _____.

Section 1000.10 Scope

- a) This part applies to each of the Internal Service Funds administered by the Department of Central Management Services, herein referred to as the Department.

- b) The following is a non-exclusive listing of those funds:

- 1) State Garage Revolving Fund
- 2) Statistical Services Revolving Fund
- 3) Office Supplies Revolving Fund
- 4) Paper and Printing Revolving Fund
- 5) Communications Revolving Fund
- 6) State Surplus Property Revolving Fund
- 7) Health Insurance Reserve Fund

Section 1000.20 Advance Billings Based Upon Estimated Charges

- a) The Department shall make reasonable efforts to bill and collect Internal Service Fund receivables in the fiscal year in which the user agency's account liability was incurred.
- b) During the lapse period, the Department may bill user agencies based on estimated charges for goods and services received by user agencies when unbilled fiscal year receivables have been identified and it is unlikely that sufficient documentation will be received by the Department in time to allow both the Department billing process and user agency payment process to be completed during the lapse period. Computation of advance billing amounts will be based upon remaining unprocessed open work orders, authorizations without vendor invoices, and/or other similar sources. Advance billing amounts shall be based upon the best information available to the Department at the time the

CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- c) advance billing is prepared. The Department shall enter into agreements with user agencies for advance billing at other times during the fiscal year based on estimated charges for goods and services to be received by the user agency during the fiscal year.
- d) The Department shall not issue undocumented advance billings for the purpose of intentionally expending a user agency's remaining appropriation balances.
- e) The Department shall not issue advance billings for the purpose of creating undocumented credit balances which intentionally transfer a user agency's unexpended appropriation balances to the following fiscal year through the credit process described in Section 1000.40.

Section 1000.30 Credits Issued For Prior Fiscal Year Overpayments

- a) The Department shall issue credits for application in the subsequent fiscal year for those user agency accounts which show an accounts receivable balance at the end of the fiscal year. Credits for prior fiscal year accounts receivable credit balances will be issued when the Internal Service Fund is reasonably certain that:
- 1) All prior fiscal year billing activity has been posted;
 - 2) All agency payments related to prior year billing activity have been posted; and
 - 3) No activity remains in process related to prior fiscal year accounts receivable.
- b) Credits for accounts receivable credit balances for prior fiscal year overpayments will be issued to user agencies after November 1st in the subsequent fiscal year.
- c) The Department shall not use the advance billing process in Section 1000.20 with this credit process to intentionally circumvent fiscal year budgetary controls.

Section 1000.40 Catch-Up Billings For Prior Fiscal Year Amounts Due

- a) The Department shall issue catch-up billings in the subsequent fiscal year for those user agency accounts which show an accounts receivable debit balance for the prior fiscal year. Catch-up billings for prior fiscal year account balances due will be issued when the Internal Service Fund is reasonably certain that:
- 1) All prior fiscal year billing activity has been posted;
 - 2) All agency payments related to prior year billing activity have been posted; and
 - 3) No activity remains in process related to prior fiscal year accounts receivable.
- b) When the Department did not have adequate information to bill a user agency for goods and services received during the prior fiscal year, the Department shall issue catch-up billings in the subsequent fiscal year once adequate documentation is received.

CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED RULES

- c) The Department shall clearly identify catch-up billings in order to avoid confusion with regular billings.
- d) The Department shall make reasonable efforts to issue catch-up billings to user agencies as soon as billing information is known. Catch-up billings shall be issued on a monthly basis beginning in November of the subsequent fiscal year.
- e) User agencies shall reimburse the Department for catch-up billings by vouchers drawn against their appropriations for the fiscal year in which the catch-up billing is issued by the Department.
- f) The Department shall not use catch-up billings as a substitute for the lapse period billing process.

Section 1000.50 User Agency Payments

- a) User agencies shall process payments within 30 days after physical receipt of Internal Service Fund bills. User agencies shall immediately notify the Department of any additional information that is necessary to review an Internal Service Fund bill.
- b) User agencies shall make reasonable efforts to review, approve, and issue Internal Service Fund bills within the fiscal year in which the liability is incurred. If the Department determines that a user agency issues a catch-up billing, User agencies shall not leave Internal Service Fund bills unpaid in order to circumvent fiscal year budgetary controls.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Industrial Training Program
- 2) Code Citation: 56 Ill. Adm. Code 2650
- 3) Section Numbers: Proposed Action:
2650.50 Amendment
- 4) Statutory Authority: Implementing Section 46.19a(1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.19a(1) and 46.42]; and Public Act 88-0456.
- 5) Effective Date of Amendments: August 26, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Do these amendments contain incorporations by reference: No
- 8) Date Filed in Agency's Principal Office: August 26, 1997
- 9) Notice of Proposal Published in Illinois Register: January 17, 1997 (21 Ill Reg 747)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Only technical changes indicated by the Joint Committee on Administrative Rules (JCAR) were made in the final version of the rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not Applicable.
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this part: No
- 15) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking will allow the Department additional time to conduct compliance monitoring visits of Illinois Industrial Training Program grantees.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Brenda Yager, Manager
Bureau of Community Development
Department of Commerce and Community Affairs
620 East Adams Street, 5th Floor
Springfield, Illinois 62701

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

Telephone Number: (217) 785-6174
T.D.B. Number: (217) 785-6055

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS
 TITLE 56: LABOR AND EMPLOYMENT
 PART 2650
 INDUSTRIAL TRAINING PROGRAM

SUBPART A: GENERAL REQUIREMENTS

Section	Purpose
2650.10	Definitions
2650.20	Eligible Applicants and Training Activities
2650.30	Allowable Costs
2650.40	Grant Administration Requirements
2650.50	Noncompetition Requirements
2650.60	Selection for Funding (Recodified)
2650.70	Allowable Costs (Recodified)
2650.80	Grant Administration Requirements (Recodified)
2650.90	Nondiscrimination (Recodified)
2650.100	

SUBPART B: SINGLE COMPANY APPLICANTS

Section	Purpose
2650.110	Application Procedures
2650.120	Application Documentation
2650.130	Application Evaluation
2650.140	Selection for Funding

SUBPART C: SECONDARY AND POST-SECONDARY EDUCATION INSTITUTION APPLICANTS
 (Repealed)

Section	Purpose
2650.210	Application Procedures (Repealed)
2650.220	Application Documentation (Repealed)
2650.230	Application Evaluation (Repealed)
2650.240	Selection for Funding (Repealed)
2650.250	Reporting Requirements (Repealed)

SUBPART D: MULTI-COMPANY AND MEMBERSHIP TRAINING PROJECT APPLICANTS

Section	Purpose
2650.310	Application Procedures
2650.320	Application Documentation
2650.330	Application Evaluation
2650.340	Selection for Funding

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

2650.350 Administrative Requirements (Repealed)

AUTHORITY: Implementing Section 46.19a(1) and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.19a(1) and 46.42]; and Public Act 88-0456.

SOURCE: Adopted at 11 Ill. Reg. 11642, effective June 29, 1987; recodified at 13 Ill. Reg. 15386; emergency amendments at 13 Ill. Reg. 16126, effective September 27, 1989, for a maximum of 150 days; emergency expired February 24, 1990; amended at 14 Ill. Reg. 5075, effective March 20, 1990; amended at 16 Ill. Reg. 17969, effective November 17, 1992; amended at 19 Ill. Reg. 15374, effective October 20, 1993; amended at 21 Ill. Reg. 12124, effective AUG 26 1997.

SUBPART A: GENERAL REQUIREMENTS

Section 2650.50 Grant Administration Requirements

a) Audits - The Department reserves the right to conduct special audits at any time during normal working hours of funds expended under Department grants (e.g., evidence of fraud or abuse). If the Grantee is a secondary or post-secondary education institution, it shall comply with the applicable audit requirements of 47 Ill. Adm. Code 130.

b) Monitoring - The Director will ensure that a minimum of one periodic on-site grant monitoring visit is made--are conducted by the Department either during the course of the grant period or within the first 60 days following the end of the grant period. The Department will verify that the Grantee's financial record-keeping system is structured to provide for accurate, current and complete disclosure of the financial results of the grant activities in accordance with all provisions, terms and conditions contained in the grant contract. The Department also reserves the right to contact any company participating in a multi-company training project funded by this program to verify the information submitted by the Grantee on behalf of the participating company.

c) Training Evaluation Report - The Grantee must submit to DCCA, within 60 days following the end of the grant period, a descriptive written evaluation of the results of the training experience by either the company, in the case of single-company grantees, or the companies participating in the training project, in the case of multi-company training projects. The narrative evaluation report should be based on the measurable outcomes or benefits contained in the grant application submitted and approved by DCCA. DCCA reserves the right to withhold any future year funding for noncompliance with this provision.

d) Reporting Requirements - To receive reimbursement for training costs which have been incurred by a grantee in accordance with the Scope of Work and Budget contained in the grant contract with the Department,

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

the Grantee shall furnish evidence to the Department of having completed training by following either a monthly certification schedule or other schedule adopted by the Department and the Grantee. The certification schedule shall be filed on forms provided to the Grantee by the Department. Payments to the Grantee are subject to the initiation of an invoice-voucher which shall be due to the Department according to the schedule established in the grant contract. A project summary report shall be due to the Department either each month, or as negotiated, consisting of an analysis of major project activities; a listing of clients served, if the project served clients; and an evaluation of how the project's operation is related to the objectives of the grant.

- e) Grant Closeout - The Grantee shall be responsible for completing the grant closeout package which shall be provided by the Department and identifies the financial status of these grant funds. The Grantee, upon submission of the closeout package, or within 45 days after expiration of the grant, whichever is first, shall refund to the Department any balance of funds which were unexpended or unobligated at the end of the grant period. In addition, the Grantee shall pay to the Department for any violation of the grant contract. If the grant contract should terminate for any reason, the closeout package shall be due within 45 days after the date of termination.
- f) For the purpose of Subparts B and D of this Part, the following provisions specified in 47 Ill. Adm. Code 1.30, 1.40, 1.60, 1.70, 1.80, 1.90, 1.100, 1.105, 1.110, 1.120, 1.140, and 1.185 are applicable.

(Source: Amended 1997 21 Ill. Reg. 12124, effective AUG 28 1997)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Claims, Adjudication, Appeals and Hearings
- 2) Code Citation: 56 Ill. Adm. Code 2720
- 3) Section Numbers: Adopted Action:
2720.1 Amended
2720.12 New Section
- 4) Statutory Authority: 820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302, and 2304.
- 5) Effective Date of the Amendment: August 20, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this Rule contain an incorporation by reference? No
- 8) Date filed in Agency's Principal Office: August 19, 1997
- 9) Notice of Proposal published in Illinois Register: June 20, 1997 at 21 Ill. Reg. 7628.
- 10) Has JCRR issued a Statement of Objection to these Rules? No
- 11) Difference between proposal and final version: At line 340, subsection h of Section 2720.112 was deleted.
- 12) Have all the changes agreed upon by the Agency and JCRR been made as indicated in the agreement letter issued by JCRR? Yes
- 13) Will this replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the rules: Section 2720.1 provides definitions of terms related to telephone certification.
- Section 2720.112 provides for individuals to certify primarily by telephone rather than by mail for unemployment benefits, and, in conjunction with that certification, to maintain a work search record, to be submitted as requested by the Agency.
- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Panel, Deputy Legal Counsel
Illinois Department of Employment Security

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

401 South State Street - 7 South
Chicago, IL 60605
312/793-4240

The full text of the adopted amendment(s) begin on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2720

CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section	
2720.1	Definitions
2720.2	Methods of Application To "Benefit Year"
2720.3	Service Of Notices, Decisions, Orders
2720.4	Application For Electronic Data Transmission
2720.7	Computation Of Time
2720.10	Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.15	Attorney Representation Of Claimants
2720.20	Form Of Papers Filed
2720.25	Correction Of Technical Errors
2720.30	

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section	Filing A Claim	Filing, Registering And Reporting By Mail	Under Special
2720.100	Circumstances		
2720.101	Time For Filing An Initial Claim For Benefits		
2720.105	Dating Of Claims For Weeks Of Partial Unemployment		
2720.106	Employing Unit's Report For Partial Unemployment		
2720.107	Attendance At Training Courses (Repealed)		
2720.108	Attendance At Training Courses (Repealed)		
2720.109	Required Second Visit To Local Office (Repealed)		
2720.112	Telephone Certification		
2720.115	Continuing Eligibility Requirements		
2720.120	Time For Filing Claim Certification For Continued Benefits		
2720.125	Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)		
2720.126	Availability For Part Time Work Only (Repealed)		
2720.127	Director's Approval Of Training (Repealed)		
2720.128	Active Search For Work: Attendance At Training Courses (Repealed)		
2720.129	Regular Attendance In Approved Training (Repealed)		
2720.130	Employing Unit Protest Of Benefit Payment		
2720.132	Required Notice By An Employer Of Separation For Alleged Felony Or Theft Connected With The Work		
2720.135	Adjudicator Investigation		
2720.140	Adjudicator Determination		
2720.145	Payment Of Unemployment Insurance Benefits For Initial Claims		
2720.150	Applying For Unemployment Insurance Benefits Under Extension Programs		

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

may provide for certification in person, by telephone, or by mail. In many instances, depending upon the context, the terms "certification" and "certification form" and "claim certification" or the like should be considered synonymous.

"Certification Day" means the day of the week designated for a telephone filter to call to certify for benefits.

"Certification Detail Screen" means the record maintained by the Telephone Certification System of the answers to the screening questions asked during computerized telephone certification, and the date of the certification. It is the system's call to access the system with respect to that completed certification.

"Claims Series" means a week or series of consecutive weeks for which benefit or waiting week credit is granted.

"Claimant" means a person who applies for benefits under the Act.

"Customary Occupation occupation" means the work in which the individual has last engaged or the occupation for which he is best qualified by training, experience, and education.

"Decision" means the statement made by a Referee, the Director or the Board of Review with respect to any appeal from a finding of determination relating to rights or obligations under the Act, or a statement by an adjudicator that an employing unit's protest is insufficient.

"Determination" means an Adjudicator's statement of whether or not a claimant is eligible for benefits or waiting week credit, and the dollar amount of such benefits for each week with respect to which a claim is made [820 ILCS 405/702] (Section-702-of-the-Act--f--Rev-Stat-1989--ch-48--par-452).

"Director's Representative" means an employee of the Agency designated by the Director of Employment Security to conduct hearings and to recommend decisions to the Director.

"Electronic Data Transmission data-transmission" is a means by which the Director provides an electronic transfer of the "Notice of Claim" to last Employing Unit and last Employer or other interested party to the data center of the Illinois Department of Central Management Services where the transmission can be retrieved by the employing unit (see Section 2720.77).

"Employing Unit unit" shall have the same meaning as that set forth in Section 204 of the Act [820 ILCS 405/204] f--Rev-Stat-1989--ch-

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

48-par-314.

"Filing Date" means the date a document was mailed to or received by the Agency, whichever is earlier.

"Finding" means a statement by an Adjudicator of the amount of wages for insured work paid to a claimant during each quarter in the claimant's base period by each employer [820 ILCS 405/701] (Section-701-of-the-Act--f--Rev-Stat-1989--ch-48--par-451).

"Full-time Work work" is the number of hours a class of workers would customarily work if the employing unit had all of the work it could absorb without working overtime. Except where the contrary is provided by a collective bargaining agreement or company policy, full time work is customarily 40 hours per week. For example, 37.5 hours per week is full time work for Illinois State state employees because it is so provided by State state personnel policy.

"Initial Claim claim" means an application for benefits which, meeting all monetary eligibility requirements, commences a claim series.

"Local Office office" means the office of the Agency servicing claimants who live in a specific geographical area.

"Mail File" means a claimant who, although he may use the Telephone Certification System, is permitted to certify by mail.

"Monetary Eligibility eligibility" means a claimant's eligibility for a weekly benefit amount for unemployment insurance and the amount of dependency allowance, if any, based on the amount of qualifying wages paid.

"Nonmonetary Eligibility eligibility" means that the claimant has established monetary eligibility and has not been found ineligible or subject to disqualification under the Act from receiving unemployment insurance benefits.

"Part-time Work work" means services not normally required for the customary schedule of full time hours or days prevailing in the establishment in which such services are performed, or services performed by a person who, owing to his personal circumstances or the nature of the work he is qualified to perform, is not available for the normal schedule of full time hours or days prevailing in the establishment in which he is employed [820 ILCS 405/402] (Section-402-of-the-Act--f--Rev-Stat-1989--ch-48--par-407). Generally, part time work will be less than 40 hours per week except where company policy or a collective bargaining agreement provides for a lesser number of hours per week as full time work. In such cases, part time

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work shall be work less than the number of full time hours set by the collective bargaining agreement or company policy.

"Part-total Employment" means part-time work with an employing unit other than one's regular employing unit.

Example: The claimant is laid off by Company A, his regular employing unit, as defined in this Section, and accepts temporary, part-time work with Company B, an employing unit other than his regular employing unit. The part-time work with Company B constitutes "part-total employment."

"Partial Employment" means part-time work with one's regular employing unit.

"Party" means, with respect to issues of nonmonetary eligibility, the claimant and any employing unit which files a timely and sufficient protest pursuant to Section 2720.130 of this Part. Only a party under Section 702 of the Act may appeal a nonmonetary determination or decision of the Agency regarding eligibility for benefits. With respect to findings under Section 701 of the Act, "Party" means the claimant and any employer whose base period wages are in question. With respect to the issues of sufficiency and timeliness of a protest pursuant to Section 2720.130 of this Part, "Party" means only the employing unit which files the protest.

"Personal Identification Number" or "PIN" means a number that enables the claimant to access the Telephone Certification System. Valid use of a PIN serves as the claimant's signature.

"Protest" means the Agency form, "Employer Notice of Possible Ineligibility," or a letter in lieu thereof, which alleges that the claimant is not entitled to unemployment insurance benefits.

"Referee" means the hearing officer authorized to conduct hearings on appealed Adjudicator findings, determinations or recoupment decisions, and to make decisions on the matters appealed.

"Regular Employing Unit" means "employing-unit" is either the employing unit for which an individual expects to continue working and to work full time if business warrants it, or any employing unit for which the individual worked full time for nine consecutive weeks during the preceding 52 weeks.

"Service Area" means a geographical area served by a local office.

"Services" means not only work actually performed, but the entire employer-employee relationship. Any attachment to an employing unit

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for which wages are payable constitutes a service for that employing unit.

"Telephone Certification System (TCS)" means a system implemented by the Agency that enables a claimant to certify for benefits or obtain information by touch-tone telephone.

"Telephone Filer" means a claimant who has established a PIN and uses the Telephone Certification System to certify.

(Source: Amended 2/11/97, Reg. 12129, effective AUG 21 1997)

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section 2720.112 Telephone Certification

a) Except as provided in subsection (c), effective for weeks beginning June 28, 1998, or thereafter, each claimant shall be a telephone filer. Except as provided in subsection (c), selected claimants shall become telephone filers, effective for weeks beginning on or after the TCS

1) August 31, 1997, if the claimant is a participant in the TCS Field Test Program being administered at the Office 10 (on East 71st Street in Chicago) or Office 30 (in Moline).

2) September 29, 1997, if the claimant is filing an initial claim, is filing after a break in the claim series, or requests to use TCS, and would otherwise submit a certification form to Local Office 10 (on East 71st Street in Chicago) or Local Office 30 (in Moline).

3) November 2, 1997, if the claimant is filing an initial claim, or is filing after a break in the claim series, or requests to use TCS.

b) On his "Certification Day," a telephone filer shall call a designated telephone number and enter his PIN as directed and respond to the questions concerning his claim for the prior two weeks. If a telephone filer misses his regular certification day, he may call on Thursday or Friday of that week, or on his certification day or Thursday or Friday of the next week.

c) A mail filer will be sent a copy of the questions concerning his claim for the prior two weeks and shall answer them in accordance with the provisions of Section 2720.110 as provided. A claimant cannot file by mail unless he has first been approved by the Agency. Information as the claimant's adjudicator may require to determine:

- 1) He speaks neither English nor Spanish, or
- 2) He is hearing impaired, or
- 3) He has no reasonable access to a touch-tone telephone. In determining whether a claimant has reasonable access to a touch-tone telephone, consideration shall be given, but not

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necessarily limited to, the following factors: the claimant's known physical or mental limitations; the claimant's concerns for his or her safety, and the overall level of effort required to access a touch-tone telephone; an occasional inconvenience or mere preference does not mean a claimant has no reasonable access to a touch-tone telephone.

A) Example: A telephone filer, who has no telephone in his apartment, but has used touch-tone telephones in the lobby of his building and elsewhere in his neighborhood to certify, requests to become a mail filer. His reason is that sometimes he must wait a few minutes for someone to get off the telephone, so he would prefer to be a mail filer. An occasional inconvenience or mere preference does not mean he has no reasonable access to a touch-tone telephone. He cannot be a mail filer.

B) Example: An individual who has been a telephone filer fails to certify and more than two weeks have passed since his certification day. This raises a late-reporting issue for the weeks under review to be resolved by applying the provisions of Section 2720.120(b). Irrespective of how that issue is resolved, if it is found that the claimant no longer has reasonable access to a touch-tone telephone, then, for future weeks, the claimant may certify by mail.

A mail filer may become a telephone filer upon his request.

d) A date shown for absence of a date) on the "Certification Detail Screen" shall be rebuttable evidence that a telephone filer certified for failed to certify on that date. If a telephone filer then fails to certify more than two weeks after his certification day, this will result in a delay in the processing of benefit payments and raise a pending issue, to be resolved by the application of Section 2720.120(b).

e) A claimant certifying for benefits under this Section, whether he is a telephone filer or mail filer, shall maintain a work search record for each week he is claiming benefits.

1) The work search record shall include the names and addresses of the employing units contacted, as well as the names of specific persons contacted, if possible; the dates and methods of the contacts; the type of work sought; and the results of the contacts.

2) The claimant shall provide his work search record to the Agency upon the Agency's written request.

3) A claimant's failure to provide his work search record as requested may result in a determination of denial being issued.

g) Even if the claimant has been denied benefits, he must continue to certify and maintain his work search record, and meet other eligibility requirements of the Act, for each week for which he expects payment upon reversal of that denial.

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b) All provisions of this or any other Part, which are not inconsistent with the provisions of this Section, shall remain in effect.

(Source: Added at 21 Ill. Reg. 12129, effective
—AUG 20 1997—)

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- 1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois

- 2) Code Citation: 17 Ill. Adm. Code 810

- 3) Section Numbers: Adopted Action:
810.45 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-5, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code (515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-5, 20-5, 20-35 and 25-5)

- 5) Effective Date of Rulemaking: August 26, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: August 26, 1997

- 9) Notice of Proposal Published in Illinois Register: May 2, 1997, 21 Ill. Reg. 5392

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the surceint letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? Yes

Section Numbers Proposed Action Illinois Register Citation
810.45 Amendments 5/2/97, 21 Ill. Reg. 5390

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: Section 810.45 was amended to close the harvest of yellow perch by persons on charter boats because the supply of yellow perch has dramatically declined throughout the southern portion of Lake Michigan. All commercial fishing for perch is being closed, and in the interests of both species protection and fairness, perch fishing from charter boats also needed to be closed.

- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

Channel Catfish	- 6 Fish Daily Creel Limit
Apple River Jo Daviess County	- Spring Closed Season (11)
Trout	
Apple River Basin - Special Management Zone (within the boundaries of Apple River Canyon State Park, including tributaries)	
Jo Daviess County	
All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	- 14" Minimum Length Limit
Argyle Lake, Argyle Lake State Park McDonough County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish more than 15" and/or 5 less than 12" Daily (12)
Trout	- Fall Closed Season (10)
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
White, Black, or Hybrid	
Crappie (15)	- 10 Fish Daily Creel Limit
White, Black, or Hybrid	- 9" Minimum Length Limit
Crappie	
Ashland City Reservoir, City of Ashland Cass County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Ashley Reservoir, City of Ashley Washington County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length
Auburn Park Lagoon, Chicago Park District Cook County	
All Fish	
Channel Catfish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	- 6 Fish Daily Creel Limit
Axehead Lake, Cook County Forest Preserve Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)

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Large or Smallmouth Bass	(36)
Trout	- 14" Minimum Length Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Baker Lake, City of Peru LaSalle County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Baldwin Lake, Baldwin Lake Conservation Area Randolph County	
All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	- 18" Minimum Length Limit
Striped, White, or Hybrid	- 17" Minimum Length Limit
Striped Bass	
Striped, White, or Hybrid	- 3 Fish Daily Creel Limit
Striped Bass (16)	
White, Black, or Hybrid	- 25 Fish Daily Creel Limit
Crappie (15)	
White, Black, or Hybrid	- 9" Minimum Length Limit
Crappie	
Banana Lake, Lake County Forest Preserve District Lake County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area (33) Peoria/Fulton Counties	
All Fish	- 2 Pole and Line Fishing Only (1)(34)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Walleye, Sauger, or Hybrid	
White, Black, or Hybrid	- 14" Minimum Length Limit
Crappie (15)	
White, Black, or Hybrid	- 25 Fish Daily Creel Limit

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Crappie - 9" Minimum Length Limit

Batchtown Wildlife Management Area (33)

Calhoun County

Baumann Park Lake, City of Cherry

Winnebago County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Beall Woods Lake, Beall Woods Conservation Area

Wabash County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Spring Closed Season (11)
- Fall Closed Season (10)

Beaver Dam Lake, Beaver Dam State Park

Macoupin County

- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit

Beck Lake, Cook County Forest Preserve District

Cook County

- 2 Pole and Line Fishing Only (1)(36)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 18" Minimum Length Limit

Belleau Lake, Cook County Forest Preserve District

Cook County

- 2 Pole and Line Fishing Only (36)
- 14" Minimum Length Limit
- Fall Closed Season (10)

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Trout - Spring Closed Season (11)

Bevier Lagoon, Waukegan Park District

Lake County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Channel Catfish

Kankakee County

- Fall Closed Season (10)
- Spring Closed Season (11)

Bird Park Quarry, City of Kankakee

Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Borah Lake, City of Olney

Richland County

- 2 Pole and Line Fishing Only (1)
- 9 Fish Daily Creel Limit
- 14" Minimum Length Limit

Boston Pond, Stephen A. Forbes State Park

Marion County

- Fall Closed Season (10)
- Spring Closed Season (11)

Braidwood Lake State Fish and Wildlife Area (33)

Will County

(Braidwood Lake is closed to all fishing and boat traffic, except for legal waterfowl hunters, from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)

- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit

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- Breeze JC's Park Pond, City of Breeze
Clinton County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Buckner City Reservoir, City of Buckner
Franklin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Bunker Hill Lake, City of Bunker Hill
Macoupin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Burrells Wood Park Pond
White County
Channel Catfish
- 6 Fish Daily Creel Limit
- Busse Lake, Cook County Forest Preserve
Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 18" Minimum Length Limit
- Cache River State Natural Area (19)
Pulaski/Johnson Counties
- 15 Fish Daily Creel Limit
- 8 to 10" Harvest Slot Length Limit (2) Possession of Yellow Perch under 8" or over 10" is prohibited
- Closed During June
- Calumet River
Cook County
Yellow Perch
Yellow Perch
- 15 Fish Daily Creel Limit
- 8 to 10" Harvest Slot Length Limit (2) Possession of Yellow Perch under 8" or over 10" is prohibited
- Closed During June
- Campbell Pond Wildlife Management Area (19)
Jackson County
Yellow Perch
Yellow Perch
- 15 Fish Daily Creel Limit
- 8 to 10" Harvest Slot Length Limit (2) Possession of Yellow Perch under 8" or over 10" is prohibited
- Closed During June

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NOTICE OF ADOPTED AMENDMENTS

- Campus Lake - Southern Illinois University, State of Illinois
Jackson County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- Campus Pond - Eastern Illinois University, State of Illinois
Coles County
All Fish
Channel Catfish
Channel Catfish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Canton Lake, City of Canton
Pulaski County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Carlyle Lake, U.S. Army Corps of Engineers (20) (33)
Clinton County
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye, Sauger, or Hybrid
White Perch, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit
- Carthage Lake, City of Carthage
Hancock County
Channel Catfish
- 6 Fish Daily Creel Limit
- Cedar Lake, U.S. Forest Service and
City of Carbondale
Jackson County (19)
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 14" Protected Slot Length Limit (2) Possession of Yellow Perch under 8" or over 10" is prohibited
- Closed During June

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NOTICE OF ADOPTED AMENDMENTS

Centralia Lake, City of Centralia
Marion County
Large or Smallmouth Bass
- 15" Minimum Length Limit

Cermack Quarry, Cook County Forest Preserve District
Cook County
All Fish
- 2 Pole and Line
Fishing Only (1)(36)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass
Bass (14)

Champaign Park District Lakes (Kaufman Lake, Heritage Lake, and Mattis Lake), Champaign Park District
Champaign County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Charleston Lower Channel Lake, City of Charleston
Coles County
All Fish
- 2 Pole and Line Fishing Only (1)

Charleston Side Channel Lake, City of Charleston
Coles County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Charlie Brown Lake & Pond, City of Flora
Clay County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass
Bass (14)

Charter Oak North - Peoria Park District Lake, Peoria Park District
Peoria County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

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Charter Oak South - Peoria Park District Pond, Peoria Park District
Peoria County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

Chauncey Marsh (19)
Lawrence County
Yellow Perch
Yellow Perch
Yellow Perch
- 15 Fish Daily Creel Limit
- 8" to 10" Harvest Slot Length
Limit (2) - Possession of Yellow
Perch Under 8" or over 10" is
Prohibited
- Closed During June

Chicago River (including its North Branch, South Branch, and the North Shore Channel)
Cook County
Yellow Perch
Yellow Perch
Yellow Perch
- 15 Fish Daily Creel Limit
- 8" to 10" Harvest Slot Length
Limit (2) - Possession of Yellow
Perch Under 8" or over 10" is
Prohibited
- Closed During June

Citizen's Lake, City of Monmouth
Warren County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Trout
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)

Clear Lake, Kickapoo State Park
Vermillion County
All Fish
Channel Catfish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Clinton Lake, Clinton Lake State Recreation Area (19)
Dewitt County
All Fish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Walleye or Sauger
White, Black, or Hybrid
Only (1)(18)
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit

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- Crappie (15)
White, Black, or Hybrid
Crappie
- 15 Fish Daily Creel Limit
 - 9" Minimum Length Limit
- Coffeen Lake, Coffeen Lake State Fish and Wildlife Area
Montgomery County
- 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 15" Minimum Length Limit
 - 10 Fish Daily Creel Limit
 - 9" Minimum Length Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- Coles County Airport Lake, Coles County Airport
Coles County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass
- Coleta Trout Pond, State of Illinois
Whiteside County
- Fall Closed Season (10)
 - Spring Closed Season (11)
- Trout
- Columbus Park Lagoon, Chicago Park District
Cook County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Cook Co. F.P.D. Lakes, Cook County Forest Preserve District
Cook County
- 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
- Large or Smallmouth Bass
- Coulterville City Lake, City of Coulterville
Randolph County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Crab Orchard National Wildlife Refuge - Crab Orchard Lake, U.S. Fish and Wildlife Service (19)
Williamson County
- 2 Pole and Line Fishing Only (1)(4)
 - 2 Pole and Line Fishing Only (1)
- All Fish
Striped, White, or Hybrid

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- Striped Bass (16)
Large or Smallmouth Bass
- 10 Creel/3 Fish 17" or Longer Daily (17)
 - 15" Minimum Length Limit
- Crab Orchard National Wildlife Refuge - Devil's Kitchen Lake, U.S. Fish and Wildlife Service (19)
Williamson County
- 2 Pole and Line Fishing Only (1)
- All Fish
- Crab Orchard National Wildlife Refuge - Little Grassy Lake, U.S. Fish and Wildlife Service (19)
Williamson County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)
- Channel Catfish
Large or Smallmouth Bass
- Crab Orchard National Wildlife Refuge. Refuge Ponds (except Visitor Pond), U.S. Fish and Wildlife Service
Williamson County
- 2 Pole and Line Fishing Only (1)
 - 15" Minimum Length Limit
- All Fish
- Large or Smallmouth Bass
- Crab Orchard National Wildlife Refuge. Visitor Pond, U.S. Fish and Wildlife Service
Williamson County
- 2 Pole and Line Fishing Only (1)
 - 5
 - 21" Minimum Length Limit
- Large or Smallmouth Bass
- Crawford Co. Cons. Area - Picnic Pond, Crawford County Conservation Area
Crawford County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Fall Closed Season (10)
- Channel Catfish
Large or Smallmouth Bass
Trout
- Crawford Co. Cons. Area Ponds, Crawford County Conservation Area
Crawford County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass
- Crull Impoundment Wildlife Management Area (33)
Jersey County
- Crystal Lake, Urbana Park District
Champaign County
- 2 Pole and Line Fishing Only (1)
- All Fish

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- Channel Catfish - 6 Fish Daily Creel Limit
- Dawson Lake & Park Ponds, Moraine View State Park
McLean County
All Fish
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
Channel Catfish
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
Walleye, Sauger, or Hybrid
- 14" Minimum Length Limit
Walleye
- 3 Fish Daily Creel Limit
Walleye (14)
- 9" Minimum Length Limit
White, Black or Hybrid Crappie
White, Black or Hybrid
- 15 Fish Daily Creel Limit
Crappie (15)
- Decatur Park Dist. Ponds, City of Decatur
Macon County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Defiance Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass
- 14" Minimum Length Limit
Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
- Des Plaines River Basin - Special Management Zone (Hoffman Dam to 47th Street Bridge, including tributaries)
Cook County
Channel Catfish
- 15" Minimum Length Limit
Channel Catfish
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass
- Catch and Release Only -
Northern Pike
- 30" Minimum Length Limit
Northern Pike
- 1 Fish Daily Creel Limit
White, Black or Hybrid
Crappie (15)
Walleye, Sauger, or Hybrid Walleye
Hybrid Walleye
Walleye, Sauger, or Hybrid Walleye
- 18" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Des Plaines River Conservation Area (19)
Will County
- Dog Island Wildlife Management Area (19)
DuPage County

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

- Pope County
- Dolan Lake, Hamilton County Conservation Area
Hamilton County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
Walleye, Sauger, or Hybrid
- 14" Minimum Length Limit
Walleye
- Donnelley State Wildlife Area (33)
Bureau County
Douglas Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- DuPage County Forest Preserve District Lakes and Ponds, DuPage County Forest Preserve District
DuPage County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass
- 14" Minimum Length Limit
Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
- DuPage River - West Branch (between the dams located in the McDowell Grove Forest Preserve and the Warrenville Grove Forest Preserve)
DuPage County
Large or Smallmouth Bass
- Catch and Release
Fishing Only (9)
- East Fork Lake, City of Olney
Richland County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit
White, Black, or Hybrid
Crappie (15)
- 25 Fish Daily Creel Limit
- Eldon Hazlet State Park (19) (See Also Carlyle Lake)
Clinton County
- Elliott Lake, Wheaton Park District
DuPage County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- All Fish
Channel Catfish
Evanston Lake, City of Bloomington
McLean County
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 48" Minimum Length Limit (40)
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- Paries Park Pond, City of Decatur
Macon County
Trout
- Fall Closed Season (10)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Perrine Cliffe Lake, Perrine Cliffe State Park
Joanna County
All Fish
Channel Catfish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Flatfoot Lake, Cook County Forest Preserve District
Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Foli Park Pond, Village of Plano
Kendall County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Forbes State Lake, Stephen A. Forbes State Park
Marion County
Striped Bass
Striped, White, or Hybrid
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Forbes State Park Ponds, Stephen A. Forbes State Park
Marion County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)(5)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Large or Smallmouth Bass
- 14" Minimum Length Limit
Forest Park Lagoon, City of Shelbyville
Shelby County
All Fish
Channel Catfish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Fort de Chartres Historic Site (19)
Randolph County
- Fort Lakes, Winnebago County Forest Preserve
Winnebago County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fox Chain O'Lakes (including the Fox River south of the Wisconsin-Illinois boundary to the McHenry dam) (6) Applies to Grass Lake and Nippawink Lake
State Managed Blind Areas Only (19), State of Illinois
Lake and McHenry Counties
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit (6)
- 48" Minimum Length Limit (40)
- 14" Minimum Length Limit with an 18-24" Protected Slot Length Limit (no possession) (6)
- 2 Fish >or=14" and <18" 4/or 1 Fish >24" Daily Creel Limit (35)
- Fox Ridge State Park (19)
Coles County
Fox River Basin - Special Management Zone (North Aurora Dam to Montgomery Dam, including tributaries)
Kane County
Large or Smallmouth Bass
- 14" Minimum Length Limit
- Fox River Basin - Special Management Zone (South Elgin Dam to North Aurora Dam, including tributaries)
Kane County
Large or Smallmouth Bass
- Catch and Release Only - No Harvest Permitted (9)
- Frank Holten Lakes, Frank Holten State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

St. Clair County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Trout
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)

Franklin Creek (within the boundaries of Franklin Creek State Natural Area)
 Lee County
 All Fish
 - 2 Pole and Line Fishing Only (1)(9)

Fuller Lake (19)
 Calhoun County
 Fulton County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Blue gill or Redear Sunfish (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 12"-15" Protected Slot Length Limit (no possession)
 - 3 Fish Daily Creel Limit

Gages Lake, Wildwood Park District
 Lake County
 All Fish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Walleye, Sauger, or Hybrid Walleye
 - 2 Pole and Line Fishing Only (1)
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 16" Minimum Length Limit

Gale Lake, Village of East Galesburg
 Knox County
 All Fish
 Bluegill or Redear Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Garfield Park Lagoon, Chicago Park District
 Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Gebhard Woods Ponds, Gebhard Woods State Park
 Grundy County
 All Fish
 Channel Catfish
 Trout
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Spring Closed Season (11)

Giant City Park Ponds, Giant City State Park
 Jackson and Union Counties
 Largemouth and Spotted Bass
 - 15" Minimum Length Limit

Gillespie New City Lake, City of Gillespie
 Macoupin County
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 6 Fish Daily Creel Limit
 - 12"-15" Slot Length Limit (3)
 - 3 Fish Daily Creel Limit

Gillespie Old City Lake, City of Gillespie
 Macoupin County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Glades - 12 Mile Island Wildlife Management Area (33)
 Jersey County
 Gladstone Lake, Henderson County Conservation Area
 Henderson County
 All Fish
 Bluegill or Redear Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 12"-15" Slot Length Limit (3)
 - 3 Fish Daily Creel Limit

Glen Oak Park Lagoon, Peoria Park District
 Peoria County
 All Fish
 Channel Catfish
 Glen Shoals Lake, City of Hillsboro
 Montgomery County
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Striped, White, or Hybrid Striped Bass
 Striped, White, or Hybrid Striped Bass (16)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Godar-Diamond/Hurricane Island Wildlife Management Area (33)

Calhoun County

Gompers Park Lagoon, Chicago Park District

Cook County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Gordon F. More Park Lake, City of Alton

Madison County

All Fish

Bluegill or Redear

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Large or Smallmouth Bass

Large or Smallmouth

Bass (14)

- 3 Fish Daily Limit

Governor Bond Lake, City of Greenville

Bond County

All Fish

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth

Striped, White, or Hybrid

Striped Bass

Sauger, or Hybrid

Walleye

Walleye (16)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Grayslake Park District (Grayslake and Park Ponds)

Lake County

All Fish

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth

Bass (14)

- 3 Fish Daily Creel Limit

Greenfield City Lake, City of Greenfield

Green County

All Fish

Channel Catfish

Channel Catfish

Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Greenville Old City Lake, City of Greenville

Bond County

All Fish

Channel Catfish

Channel Catfish

Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Harrisburg New City Reservoir, City of Harrisburg

Saline County

All Fish

Channel Catfish

Striped, White, or

Hybrid Striped Bass

Striped, White or

Hybrid Striped Bass

Hybrid Striped Bass (16)

Hybrid Striped Bass

Hybrid Striped Bass

Hybrid Striped Bass

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Hybrid Striped Bass

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Highland Old City Lake, City of Highland
Madison County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Hillsboro Old City Lake, City of Hillsboro
Montgomery County
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- Homer Lake, Champaign County Forest Preserve District
Champaign County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Hornell Pond, Donnelly State Fish and Wildlife Area
Bureau County
All Fish
- 2 Pole and Line Fishing Only (1)(5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass
Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area
Alexander County
(Only trolling motors in refuge from October 5-March 1)
All Fish
- 2 Pole and Line Fishing Only (1)
(5)
- Channel Catfish
Large or Smallmouth Bass
Horseshoe Lake-Madison County, Horseshoe Lake State Park (37)
Madison County
All Fish
- 2 Pole and Line Fishing Only (1)(28)(34)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15)
- 25 Fish Daily Creel Limit
- Horton Lake, Nauvoo State Park
Hancock County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Channel Catfish
Holt Park Big Lake, Canton Park District
Fulton County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit
- Humbolt Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
Illinois & Michigan Canal, State of Illinois
Grundy/LaSalle/Will Counties
All Fish
Channel Catfish
Illinois Beach State Park Ponds, Illinois Beach State Park
Lake County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Illinois Department of Transportation Lake, State of Illinois
Sangamon County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Illinois River - Pool 26 (19)
Calhoun County
Indian Boundary South Pond, Frankfort Square Park District
Will County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Jackson Park (Columbia Basin) Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park
Henry County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Channel Catfish
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Large or Smallmouth Bass
- Jones Park Lake, City of East St. Louis
- St. Clair County
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Channel Catfish
- Trout
- Trout
- Jones State Lake, Saline County Conservation Area
- Saline County
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14"-18" Minimum Length Limit (no possession) (38)
 - 5 Fish under 14" and 1 Fish over 18" Daily Creel Limit
- Large or Smallmouth Bass
- Large or Smallmouth Bass
- Jones Lake Trout Pond, Saline County Conservation Area
- Saline County
 - Fall Closed Season (10)
- Trout
- Jubilee College State Park Ponds,
- Jubilee College State Park
- Peoria County
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit
- Kankakee River Basin - Special Management Zone (Wilmington Dam to the Mouth of the Kankakee River, including tributaries)
- Will/Grundy Counties
 - 12" - 16" Protected Slot Length Limit (no possession) (37)
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - 1 Fish over 16" and 2 Fish under 12" Daily Creel Limit
- Kankakee River Basin - Special Management Zone (Kankakee Dam to the Wilmington Dam, including tributaries)
- Kankakee/Will Counties
 - 14" Minimum Length Limit
 - Catch and Release Only Season in tributaries - No Harvest May 1 through June 15 (9)
- Large or Smallmouth Bass
- Large or Smallmouth Bass

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Kankakee River State Park (19)
- Kankakee/Will Counties
 - 14" Minimum Length Limit
- Kaskaskia River & all tributaries, State of Illinois
- Multiple Counties
 - Walleye, Sauger, or Hybrid
 - 14" Minimum Length Limit
- Walleye
- Kaskaskia River Fish and Wildlife Area (19)
- St. Clair/Randolph/Monroe Counties
- Kaskaskia River Fish and Wildlife Area - Doza Creek Wildlife Management Area
- St. Clair County
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- Kendall Co. Lake #1, Kendall County Forest Preserve District
- Kendall County
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Kent Creek
- Winnebago County
 - Spring Closed Season (11)
- Trout
- Kickapoo State Park Lakes & Ponds, Kickapoo State Park
- Vernon County
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area (19)
- Jackson County
 - 12" - 16" Protected Slot Length Limit (no possession)
 - 2 Fish Under 12" and 2 Fish Over 16" Daily Creel Limit
 - 48" Minimum Length Limit (40)
 - 14" Minimum Length Limit
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- Lake Atwood, McHenry County Conservation District
- McHenry County
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Spring Closed Season (11)
- Channel Catfish
- Trout
- Lake Bloomington, City of Bloomington

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

McLean County

- Large or Smallmouth Bass
- Striped, White, or Hybrid
- 15" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit

Lake Carlton, Morrison-Rockwood State Park

Whiteside County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit

Lake Co. Forest Preserve District Lakes, Lake County Forest Preserve District

Lake County

- All Fish
- Channel Catfish
- Large Smallmouth Bass (14)
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

Lake Decatur, City of Decatur

Macon County

- All Fish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 14" Minimum Length Limit

Lake Dupue Fish and Wildlife Area (33)

Bureau County

- Lake Bureau, City of Bureau
- Woodford County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit

Lake George, Loud Thunder Forest Preserve

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Rock Island County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit

Lake Jacksonville, City of Jacksonville

Morgan County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- White, Black, or Hybrid
- Crappie
- White, Black, or Hybrid
- Crappie
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Lake Kakusha, City of Mendota

LaSalle County

- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- White, Black, or Hybrid
- Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park

Stephenson County

- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit

Lake Mendota, City of Mendota

LaSalle County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad Bridge from one-half hour before sunrise to 1 p.m.)

- 14" Minimum Length Limit
- 48" Minimum Length Limit (40)

Pure Muskellunge

Walleye, Sauger, or Hybrid

White, Black, or Hybrid

Crappie (15)

White, Black, or Hybrid

Crappie

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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lake Strini, Village of Romeoville
Will County

All Fish

Channel Catfish

Crappie

Crappie

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- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District
Ogle County

All Fish

Bluegill or Redear

Sunfish

Channel Catfish

Crappie

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- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit

Lake Taylorville, City of Taylorville
Christian County

Large or Smallmouth Bass

White, Black, or Hybrid

Crappie

Crappie

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Lake Springfield, City of Springfield
Sangamon County

All Fish

Large or Smallmouth Bass

Walleye, Sauger, or Hybrid

Walleye

White, Black, or Hybrid

Crappie (15)

White, Black, or Hybrid

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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lake Williamsville, City of Williamsville

- Sangamon County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

LaSalle Lake, LaSalle Power Station

- LaSalle County
 All Fish
 Large or Smallmouth Bass (14)
 Large or Smallmouth Bass
 Striped, White, or Hybrid
 Striped Bass (16)
 - 2 Pole and Line Fishing Only (1)
 - 1 Fish Daily Creel Limit
 - 18" Minimum Length Limit
 - 10 Creel/3 Fish 17" or longer
 Daily (17)

Leving Lake, Rockford Park District

- Winnebago County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site

- Coles County
 All Fish
 - 2 Pole and Line Fishing Only (1)

Lincoln Park North Lagoon, Chicago Park District

- Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Lincoln Park South Lagoon, Chicago Park District

- Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Lincoln Trail Lake, Lincoln Trail State Park

- Clark County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)

Little Black Slough, Little Black Slough State Natural Area

- Johnson County
 All Fish
 All Fish
 No Seines
 - 2 Pole and Line Fishing Only (1)

Little Sister Lake, County of Fulton

- Fulton County
 All Fish
 - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Bluegill or Redear

- Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth
 Bass (14)
 - 25 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)
 - 3 Fish Daily Creel Limit

Little Vermilion River Basin - Special Management Zone (river mainstem and tributaries)

- LaSalle County
 Large or Smallmouth Bass
 - Catch and Release Only Season
 No Harvest May 1 through
 June 15 (9)

Lou Yeager Lake, City of Litchfield

- Montgomery County
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 15" minimum Length Limit
 - 3 Fish Daily Creel Limit

Loami Reservoir, City of Loami

- Sangamon County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Lower Cache River, Lower Cache River State Natural Area
 Pulaski, Johnson Counties
 All Fish
 All Fish
 - 2 Pole and Line Fishing Only (1)
 - No Seines

Lyerta Lake, Union County Conservation Area

- Union County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Macon County Conservation District

- Macon County
 Conservation District
 Macon County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Maple Lake, Cook County Forest Preserve District

- Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)(36)
 - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Large or Smallmouth Bass - 14" Minimum Length Limit

Macquette Park Lagoon, Chicago Park District

Cook County Fish

Channel Catfish

Marshall County Conservation Area (Fishing Ditch), Marshall County

Conservation Area (33)

Marshall County

(Unlawful to trespass upon designated waterfowl hunting areas 7 days prior to the waterfowl season and on areas designated as waterfowl refuges from October 10 until the end of the waterfowl season)

All Fish - 2 Pole and Line Fishing Only (1)

Marshall County Conservation Area - Sparland Unit (19)

Marshall County

Mascoutah Reservoir, City of Mascoutah

St. Clair County

All Fish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

Massac County Fairgrounds Pond, State of Illinois

Massac County

Trout

Mattoon Lake, City of Mattoon

Coles County

All Fish

Large or Smallmouth Bass

Maintino Fish and Wildlife Area, Maintino Fish and Wildlife Area

Bureau County

All Fish

Bluegill or Redear Sunfish (14)

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

Mauvaise Terre/Morgan Lake, City of Jacksonville

Morgan County

Large or Smallmouth Bass

Mazonia Lakes & Ponds, Mazonia State Fish and Wildlife Area (33)

Grundy County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Mazonia Lakes and Pond are closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)

All Fish

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

White, Black or Hybrid

Crappie (15)

McCullum Lake, City of McHenry

McHenry County

All Fish

Bluegill or Redear Sunfish (14)

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

McKinley Park Lagoon, Chicago Park District

Cook County

All Fish

Channel Catfish

McLeansboro City Lakes, City of McLeansboro

Hamilton County

All Fish

Channel Catfish

Large or Smallmouth Bass

Meredosia Lake - Cass County Portion Only (meandered waters only) (33)

Cass County

Meredosia Lake - Cass County Portion

(Meandered waters only) (All boat traffic is prohibited from operating on meandered waters (except motorized boats) until the waterfowl season begins. Retrieval of waterfowl shot from private land from the period one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)

Mermet State Lake, Mermet Lake Conservation Area (33)

Massac County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)

(5)

- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 14" Minimum Length Limit
- Large or Smallmouth Bass
- Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve
- Champaign County
 - All Fish
 - 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 - Bluegill or Redear Sunfish (14)
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - 14" Minimum Length Limit
 - Large or Smallmouth Bass
- Middle Fork of the Vermillion River, Kickapoo State Park and Middle Fork Fish and Wildlife Area
- Vermillion County
 - All Fish
 - 2 Pole and Line Fishing Only (1)
- Middle Fork of the Vermillion River Basin - Special Management Zone (river and tributaries)
- Vermillion County
 - 14" Minimum Length Limit
 - Catch and Release Only Season in tributaries - No Harvest May 1 through June 15 (9)
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass
- Miller Creek Lake, Clark County Park District
- Clark County
 - All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - 12-15" Slot Length Limit (3)
 - Large or Smallmouth Bass
- Miller Park Lake, City of Bloomington
- McLean County
 - All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - Spring Closed Season(11)
 - Trout
- Mineral Springs Park Lagoon, City of Pekin
- Tazewell County
 - All Fish
 - 2 Pole and Line Fishing Only (1)
 - Channel Catfish
 - 6 Fish Daily Creel Limit
 - Trout
 - Fall Closed Season (10)
- Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (19)
- Multiple Counties
- Mississippi River (between IL & IA), State of Illinois
- Multiple Counties
 - 14" Minimum Length Limit
 - 5 Fish Daily Creel Limit
 - Northern Pike
 - Walleye and Sauger (14)
 - 10 Fish Daily Creel Limit (24)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 15" Minimum Length Limit
- Walleye
- Mississippi River (between IL & MO), State of Illinois
- Multiple Counties
 - (Boating prohibited on refuge area immediately south of Melvin Price Lock and Dam 26 From October 15-April 15)
 - 1 Fish Daily Creel Limit
 - 8 Fish Daily Creel Limit
 - Northern Pike
 - 15" Minimum Length Limit
 - Walleye and Sauger (14)
- Monroe Reservoir, Will County Forest Preserve District
- Will County
 - All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - 3 Fish Daily Creel Limit
 - Large or Smallmouth Bass (14)
 - Large or Smallmouth Bass
- Monrose Lake, City of Montrose
- Cumberland County
 - All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - 14" Minimum Length Limit
 - Large or Smallmouth Bass
- Mt. Olive City Lakes, City of Mt. Olive
- Macoupin County
 - All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - 6 Fish Daily Creel Limit
- Mt. Olive (Old) Lake, City of Mt. Olive
- Macoupin County
 - Large or Smallmouth Bass
 - 15" Minimum Length Limit
 - Large or Smallmouth Bass
 - 3 Fish Daily Creel Limit
 - Bass (14)
- Mt. Sterling Lake, City of Mt. Sterling
- Brown County
 - Channel Catfish
 - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass
 - 12-15" Slot Length Limit (3)
- Mt. Vernon City Park Lake, City of Mt. Vernon
- Jefferson County
 - All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - 15" Minimum Length Limit
 - Large or Smallmouth Bass
 - 1 Fish Daily Creel Limit
 - Large or Smallmouth Bass (14)
- Mt. Vernon Game Farm Pond, Mt. Vernon Game Farm
- Jefferson County
 - All Fish
 - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Trout
Trout
Mundelein Park Dist. (Diamond Lake & Park Ponds), City of Mundelein Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Nashville City Lake, City of Nashville Washington County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- Newton Lake, Newton Lake State Fish and Wildlife Area Jasper County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit
- Norris City Reservoir, City of Norris City White County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (19)
Oakford Conservation Area (Menard County)
Menard County
Oakland City Lake, City of Oakland Coles County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (19)
Ohio River (between Illinois & Kentucky), State of Illinois Multiple Counties (19)
Large or Smallmouth Bass
Northern Pike
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 12" Minimum Length Limit
- No Length or Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Muskie or Tiger Muskie
Muskie or Tiger Muskie
Walleye, Sauger, or Hybrid
White, Black, or Hybrid
Crappie (15)
Striped, White, Yellow or Hybrid
Striped Bass
- 2 Fish Daily Creel Limit
- 30" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 30 Fish Daily Creel Limit
- 30 Creel/4 Fish 15" or Longer Daily (32)
- Ohio River-Smithland Pool Tributary Streams (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge) (19) Multiple Counties
Large and Smallmouth Bass
- 12" Minimum Length Limit
- Otter Lake, Otter Lake Water Commission Macoupin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Pure Muskellunge
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 48" Minimum Length Limit (40)
- Palmyra-Modesto Water Commission Lake, Palmyra/Modesto Water Commission Macoupin County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Palmyra City Lake & Terry Park Pond, City of Palmyra Macoupin County
All Fish
Channel Catfish
Pana Lake, City of Pana
Shelby and Christian Counties
All Fish
Channel Catfish
Large or Smallmouth Bass
Paris East & West Lakes, City of Paris Edgar County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area	- 2 Pole and Line Fishing Only (1)
St. Clair County	(34)
All Fish	- 6 Fish Daily Creel Limit
Channel Catfish	- 15" Minimum Length Limit
Large or Smallmouth Bass	- 3 Fish Daily Creel Limit
White, Black, or Hybrid	- 25 Fish Daily Creel Limit
Crappie (15)	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie	
Pekin Lake (19)	
Tazewell County	
Perry Farm Pond, Bourbonnais Park District	
Madison/Jersey Counties	
Channel Catfish	- 2 Pole and Line Fishing Only (1)
All Fish	- 6 Fish Daily Creel Limit
Piasa (19)	
Madison/Jersey Counties	
Pierce Lake, Rock Cut State Park	
Winnabago County	
All Fish	- 2 Pole and Line Fishing Only (1)(7)
Bluegill or Redear Sunfish (14)	
Channel Catfish	- 5 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 6 Fish Daily Creel Limit
Pure Muskellunge	- 1 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit (40)
White, Black, or Hybrid	- 14" Minimum Length Limit
Crappie (15)	- 25 Fish Daily Creel Limit
Pike County Conservation Area (19)	
Pike County	
Pickensville Lake, City of Pickensville	
Perry County	
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Pine Creek	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Ogle County	
Trout	- Spring Closed Season (11)
Pine Creek (within the boundaries of White Pines Forest State Park)	
Ogle County	- 2 Pole and Line Fishing Only (1)
All Fish	- Spring Closed Season (11)
Trout	
Pine Lake, Village of University Park	
Will County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Piscataway Creek	
McHenry County	
Trout	- 9" Minimum Length Limit
Trout	- Spring Closed Season (11)
Pittsfield City Lake, City of Pittsfield	
Pike County	
All Fish	- 2 Pole and Line Fishing Only (1)(7)
Large or Smallmouth Bass	- 14" Minimum Length Limit
Striped, White, or Hybrid	
Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid	
Striped Bass (16)	- 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	
Pocahontas Park Pond, City of Pocahontas	
Bond County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Powerton Lake, Powerton Lake Fish and Wildlife Area (39)	
Tazewell County	
Shallow water closed to boat traffic except for legal waterfowl hunters from October 1 to February 15, and closed to all unauthorized entry during the water fowl season)	
Ogish County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Striped, White, or Hybrid	- 10 Creel/3 Fish 17" or Longer Daily (17)
Striped Bass (16)	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Walleye, Sauger, or Hybrid
Walleye (14)
Walleye, Sauger, or Hybrid
Walleye
Prospect Pond, City of Moline
Rock Island County
Trout
- 3 Fish Daily Creel Limit
- 18" Minimum Length Limit
- Fall Closed Season (10)
- Pyramid State Park Lakes & Ponds, Pyramid State Park
Perry County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Ramsey Lake, Ramsey Lake State Park
Fayette County
All Fish
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Randolph County Lake, Randolph County Conservation Area
Randolph County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)
- 14" Minimum Length Limit
- Red Hills Lake, Red Hills State Park
Lawrence County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Red's Landing Wildlife Management Area (19)
Calhoun County
(walk-in area closed to trespassing 7 days prior to duck season)
Redwing Slough/Deer Lake (33)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Lake County
Rend Lake, U.S. Army Corps of Engineers (22) (33)
Franklin County
Large or Smallmouth Bass
Striped, White, Yellow, or Hybrid
Striped Bass (8)
- 14" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)
- Rend Lake Project Pond, U.S. Army Corps of Engineers
Franklin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Rice Lake Fish and Wildlife Area (33)
Pulton County
Ridge Lake, Fox Ridge State Park
Coles County
(Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (19))
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- Ris Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
Riprap Landing (19)
Calhoun County
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Riverside Park Lagoon, Moline Park District
Rock Island County
All Fish
Channel Catfish
Rock Creek, State of Illinois
Kankakee County
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Spring Closed Season (11)
- Rock River Basin - Special Management Zone (Fordam Dam to Oregon Dam, including tributaries)
Ogle/Winnebago Counties

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- Sangchris Lake Park Ponds, Sangchris Lake State Park
Sangamon County
All Fish
- 2 Pole and Line Fishing Only (1)
- Schiller Pond, Cook County Forest Preserve District
Cook County
- 2 Pole and Line Fishing Only (1)
- All Fish
(36)
- 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Large or Smallmouth Bass
- Schuyler County, City of Rushville
Schuyler County
White, Black, or Hybrid
Walleye, Saugee, or Hybrid
Crappie
- 14" Minimum Length Limit
 - 9" Minimum Length Limit
- Senior Citizen's Pond, Kankakee River State Park
Kankakee County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Shabbona Lake, Shabbona Lake State Park
DeKalb County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Saugee, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 48" Minimum Length Limit (40)
 - 14" Minimum Length Limit
 - 10 Fish Daily Creel Limit
- Shawnee National Forest Lakes & Ponds less than 10 acres, U.S. Forest Service
Multiple Counties
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Shawnee National Forest - Bay Creek Lake #5 and #8 (Sugar Creek Lake), U.S. Forest Service
Pope County
All Fish
Channel Catfish
Largemouth, Smallmouth and
Spotted Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Shawnee National Forest - Dutchman Lake, U.S. Forest Service
Johnson County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Shawnee National Forest - Lake Glendale, U.S. Forest Service
Pope County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Shawnee National Forest - Little Cache #1, U.S. Forest Service
Johnson County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Shawnee National Forest - Little Cedar Lake, U.S. Forest Service
Jackson County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Shawnee National Forest - One Horse Gap Lake, U.S. Forest Service
Pope County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Shawnee National Forest - Pounds Hollow Lake, U.S. Forest Service
Gallatin County
All Fish
Channel Catfish
Largemouth, Smallmouth or
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Spotted Bass - 15" Minimum Length Limit
- Shawnee National Forest - Tecumseh Lake, U.S. Forest Service
- Hardin County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Largemouth, Smallmouth or Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - Turkey Bayou, U.S. Forest Service
- Jackson County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Largemouth, Smallmouth or Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - Whoopie Cat Lake, U.S. Forest Service
- Hardin County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Largemouth, Smallmouth or Spotted Bass
- 15" Minimum Length Limit
- Sherman Park Lagoon, Chicago Park District
- Cook County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Siloam Springs Lake, Siloam Springs State Park
- Adams County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Largemouth, Smallmouth or Spotted Bass
- 12-15" Slot Length Limit (3)
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Silver Lake, DuPage County Forest Preserve District
- DuPage County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
- Largemouth, Smallmouth or Spotted Bass
- 3 Fish Daily Creel Limit
 - Spring Closed Season (11)
- Trout
- Silver Lake (Highland), City of Highland
- Madison County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Walleye, Sauger, or Hybrid
- 14" Minimum Length Limit
- Walleye
- Silver Springs S.P. (Big Lake) & Ponds, Silver Springs State Park
- Kendall County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Largemouth, Smallmouth or Spotted Bass
- 15" Minimum Length Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Trout
- Site M Ponds #1, #2, #3, and #4, Site M Conservation Area
- Cass County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
- Largemouth, Smallmouth or Spotted Bass
- 15" Minimum Length Limit
- Skokie Lagoons, Cook County Forest Preserve District
- Cook County
- 2 Pole and Line Fishing Only (1)
 - 36" (36)
 - 14" Minimum Length Limit
 - 18" Minimum Length Limit
- Walleye
- Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area
- Knox County
- (All use other than waterfowl hunting prohibited from October 1 through the end of the goose season)
- All Fish
- 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 15 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 36" Minimum Length Limit
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Largemouth, Smallmouth or Spotted Bass
- 12-15" Slot Length Limit (3)
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Walleye, Sauger, or Hybrid
- Walleye (14)
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)
- Sparta City Lakes, City of Sparta
- Randolph County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
- Largemouth, Smallmouth or Spotted Bass

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Sparta "A" Lake, City of Sparta

Randolph County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- White, Black, or Hybrid Crappie
- White, Black, or Hybrid Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1) (5)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Spring Lake, City of Macomb

McDonough County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Striped, White, or Hybrid Striped Bass
- Striped, White, or Hybrid Striped Bass (16)

Spring Lake, Flagg-Rochelle Park District

Ogle County

- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Spring Lakes (North & South), Spring Lake Conservation Area (33)

Tazewell County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Pure Muskellunge
- White, Black, or Hybrid Crappie (15)
- White, Black, or Hybrid Crappie
- 2 Pole and Line Fishing Only (1) (7)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 3 Fish Daily Creel Limit
- 48" Minimum Length Limit (40)
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Starved Rock State Park (19)

LaSalle County

Staunton City Lake, City of Staunton

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Macoupin County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)

Stephen A. Forbes State Park (19)

Marion County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit

Strom Lake, DeKalb Park District

DeKalb County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing (1)
- 6 Fish Daily Creel Limit

Stump Lake Wildlife Management Area (33)

Jersey County

- Tampier Lake, Cook County Forest Preserve District
- Cook County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid Walleye
- 2 Pole and Line Fishing Only (36)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 18" Minimum Length Limit

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area

Hamilton/Jefferson Counties (19)

- (Areas designated as refuge are closed to all access during the Canada goose season)
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Terry Park Pond, Village of Palmyra

Macoupin County

- Large or Smallmouth Bass
- Large or Smallmouth
- 15" Minimum Length Limit

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Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 12-15" Slot Length Limit (3)
Walton Park Lake, City of Litonfield	
Montgomery County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Warrior Lake, Moraine Hills State Park	
McHenry County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Washington County Lake, Washington County Conservation Area	
Washington County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	(5)
Large or Smallmouth Bass	- 6 Fish Daily Creel Limit
Striped, White, or Hybrid	- 14" Minimum Length Limit
Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid	- 3 Fish Daily Creel Limit
Striped Bass (16)	
Washington Park Lagoon, Chicago Park District	
Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Washington Park Pond, Springfield Park District	
Sangamon County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Waverly Lake, City of Waverly	
Morgan County	
All Fish	- 2 pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Weinberg-King Pond, Weinberg-King State Park	

Schuyler County	- 2 Pole and Line Fishing Only (1)
All Fish	- 6 Fish Daily Creel Limit
Channel Catfish	
Weidont Springs Lake, Weidont Springs State Park	
Dewitt County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
West Frankfort New City Lake, City of West Frankfort	
Franklin County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
West Frankfort Old City Lake, City of West Frankfort	
Franklin County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
West Salem Reservoir, City of West Salem	
Edwards County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
White Hall City Lake, City of White Hall	
Greene County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
White Oaks Lake, City of Bloomington	
McLean County	
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Wilderness Lake, Moraine Hills State Park	
McHenry County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Wilderness Pond, Fox Ridge State Park	
Coles County	

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(Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (19))
 All Fish
 - 2 Pole and Line Fishing Only (1)

- Bluegill or Redear
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 5 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 1 Fish Daily Creel Limit

William W. Powers Conservation Area (33)

Cook County

Wolf Lake, William W. Powers Conservation Area (33)

- Cook County
- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

Woodford Co. Cons. Area (Fishing Ditch), Woodford County (33)

Conservation Area

Woodford County

All Fish

- 2 Pole and Line Fishing Only (1)

Woodlawn Pond, Frankfort Square Park District

Will County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Wyman Lake, City of Sullivan

Moultrie County

All Fish

Channel Catfish

Trout

Yellow Creek

Stephenson County

Trout

(Source: Amended at 21 Ill. Reg. 1 2 3, effective 1 2 3)

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Heading of the Part: Child Support Enforcement

Code Citation: 89 Ill. Adm. Code 160

Section Numbers: Adopted Action:

160-71

Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13]

Effective Date of Amendments: August 22, 1997

Does this rulemaking contain an automatic renewal date? No

Do these Amendments contain incorporations by reference? No

Date Filed in Agency's Principal Office: August 22, 1997

Notice of Proposal Published in Illinois Register: September 20, 1996 (20 Ill. Reg. 17567)

10) Has JCPR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The proposed rulemaking has been revised by the withdrawal of Section 160.10 and the revision of Section 160.71, as follows:

Subsection "(a)" has been changed to an unlabeled introductory subsection.

Subsection "(a)(1)" has been relabeled as subsection "(a)".

Subsection "(a)(2)" has been relabeled as subsection "(b)".

Subsection "(a)(2)(A)" has been relabeled as subsection "(b)(1)".

Subsection "(a)(2)(B)" has been relabeled as subsection "(b)(2)".

Subsection "(a)(2)(C)" has been relabeled as subsection "(b)(3)".

A new subsection "(b)(4)" has been added to read: "either:"

Subsection "(a)(2)(D)" has been relabeled as subsection "(b)(4)(A)".

Subsection "(a)(2)(E)" has been relabeled as subsection "(b)(4)(B)".

No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCPR been made as

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indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?
No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
160.5	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.10	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.15	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.25	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.30	Amendment	July 7, 1997 (21 Ill. Reg. 8192)
160.35	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.45	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.60	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.61	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.62	Amendment	July 7, 1997 (21 Ill. Reg. 8192)
160.65	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.70	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.75	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.77	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.90	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.100	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.110	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.120	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.130	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.132	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.136	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.138	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.140	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.150	Amendment	July 11, 1997 (21 Ill. Reg. 8854)
160.160	Amendment	July 11, 1997 (21 Ill. Reg. 8854)

15) Summary and Purpose of Amendments: The intent of new Section 160.71 is to establish the criteria governing the crediting of child support accounts receivable for payments made directly to the State of Illinois. The criteria will be applied to cases where the administrative order for support requires child support payments to be made to the clerk of the court or the Department. These amendments provide that the Department will credit its child support accounts receivable for payments made directly to the Title IV-D client when a court of competent jurisdiction enters an order requiring credit, or the following circumstances exist:

- the case is an intrastate case; and
- no payments are owed to the State of Illinois under assignment of

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support rights; and

- there has been no other instance, after the effective date of this rulemaking, in which the Department credited its child support accounts receivable for payments made by the responsible relative directly to the Title IV-D client; and
- the Title IV-D client signs a statement specifying the payments that the client requested be credited to its account receivable; or
- the responsible relative provided the Department with a statement (such as copies of canceled checks or money order receipts) showing that the payments for which the relative is requesting credit were made and the Title IV-D client signs a statement acknowledging receipt of the payments as child support.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, IL 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

160.1 Incorporation By Reference

160.2 Definitions

160.3 Child Support Enforcement Program

160.4 Application Processing Fee For IV-D Cases

160.5 Application Processing Fee For IV-D Non-AFDC Cases

160.6 Assignment of Rights to Support

160.7 Recoupment

160.25

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

160.30 Cooperation With Support Enforcement Program

160.35 Good Cause For Failure to Cooperate With Support Enforcement

160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement

160.45 Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

160.60 Establishment of Support Obligations

160.61 Uncontested and Contested Administrative Paternity and Support

Establishment

160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section

160.70 Enforcement of Support Orders

160.71 Credit for Payments Made Directly to the Title IV-D Client

160.75 Withholding of Income to Secure Payment of Support

160.80 Past Due Support Information to State Licensing Agencies

160.85 Writ Charging

160.90 Diligent Efforts to Serve Process

160.95

SUBPART E: ENMARKING CHILD SUPPORT PAYMENTS

Section

160.90 Enmarking Child Support Payments

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SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section

160.100 Distribution of Child Support For AFDC Recipients

160.110 Distribution of Child Support For Former AFDC Recipients Who Continue

To Receive Child Support Enforcement Services

160.120 Distribution of Child Support Collected While The Client Was An AFDC

Recipient, But Not Yet Distributed At The Time The AFDC Case Is

Cancelled

160.130 Distribution Of Intercepted Income Tax Refunds and Other State

Payments

160.132 Distribution of Child Support for Non-AFDC Clients

160.134 Distribution of Child Support for Interstate Cases

160.136 Distribution of Support Collected in IV-E Foster Care Maintenance

Cases

160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section

160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

160.150 Department Review Of Distribution Of Child Support For AFDC

Recipients

160.160 Department Review Of Distribution Of Child Support For Former AFDC

Recipients

AUTHORITY: Implementing and authorized by Art. X and Sections 4-1.7, 12-4.3 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 3065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 21278, effective January 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 21278, effective January 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 14395, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at

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16 Ill. Reg. 1952, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 1844, effective October 15, 1993; amended at 18 Ill. Reg. 6049, effective January 10, 1994; amended at 18 Ill. Reg. 15089, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12673, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 9659, effective March 28, 1996; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12123, effective August 1, 1997.

Section 160.71 Credit for Payments Made Directly to the Title IV-D Client

Where the Executive court or administrative order for support requires child support payments to be made to the Department or the Clerk of the Circuit Court, the Department will credit its child support accounts receivable for payments made directly to the Title IV-D client when:

- a) a court of competent jurisdiction enters an order requiring credit; or
- b) the following circumstances exist:
 - 1) the case is an intrastate case; and
 - 2) no payments are owed to the State of Illinois under assignment of support rights; and
 - 3) there has been no other instance, after the effective date of this Section, in which the Department credited its child support accounts receivable for payments made by the responsible relative directly to the Title IV-D client; and
 - 4) either:
 - a) the Title IV-D client signs a statement specifying the payments that the client is requesting be credited to the accounts receivable; or
 - b) the responsible relative provides the Department with documentation (such as copies of canceled checks or money order receipts) showing that the payments for which the relative is requesting credit were made and the Title IV-D client signs a statement acknowledging receipt of the payments as child support.

(Source: Added at 21 Ill. Reg. 12197, effective 8/1/97)

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- 1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Numbers: Amendment 147.205
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-13)
- 5) Effective Date of Amendments: August 22, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 22, 1997
- 9) Notice of Proposal Published in Illinois Register: May 16, 1997 (21 Ill. Reg. 6054)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between Proposal and final version: No changes have been made in the text of the proposed amendments.
- 12) Have all the changes raised upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments concerning nursing facilities reassign the \$10 emergency dental services add-on which has been in effect since December 1, 1995. This add-on has been necessary because the State's budget plan for fiscal year 1996 called for cost containment measures in some areas of the Department's medical assistance program and coverage for some optional Medicaid funded care, including dental services, was eliminated for recipients age 21 or over. However, coverage was restored for emergency dental services for adults in January 1997. Therefore, the Department is reassigning the \$10 emergency dental add-on to the per diem for care planning, increasing the amount from \$.35 to \$.45. Additional changes are being made to update Section 147.205 by changing Health Service Area references to the currently used term, geographic area.

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- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones

Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 6: MEDICAL PROGRAMS

PART 147

REIMBURSEMENT FOR NURSING COSTS FOR
GERIATRIC FACILITIES

Section	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
147.5	Comprehensive Resident Assessment
147.15	Functional Needs and Restorative Care
147.25	Service Needs
147.30	Referrals
147.35	Reconsiderations
147.100	Midnight Census Report
147.105	Times and Staff Levels
147.125	Statewide Rates
147.150	Referrals
147.175	Basic Rehabilitation Aide Training Program
147.200	Nursing Rates
147.205	Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (PL 100-203)
147.300	Determination of Program (Psychiatric Rehabilitation Services) Costs
147.305	Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals With Mental Illness
147.315	Comprehensive Functional Assessments and Reassessments
147.320	Interdisciplinary Team (IDT)
147.325	Comprehensive Program Plan (CPP)
147.330	Specialized Care - Administration of Psychopharmacologic Drugs
147.335	Specialized Care - Behavioral Emergencies
147.340	Discharge Planning
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness
147.350	Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing Facilities
TABLE A	Staff Time and Allocation by Need Level
TABLE B	Comprehensive Resident Assessment
TABLE C	Functional Needs and Restorative Programs
TABLE D	Functional Needs and Restorative Care
TABLE E	Service
TABLE F	Social Services

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TABLE G Therapy Services (Repealed)

TABLE H Determinations

TABLE I Activities

TABLE J Signatures

TABLE K Information Services

TABLE L Personal Information

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Act. III] and implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140-Table H and 140-Table I at 13 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 1, 1990; amended at 14 Ill. Reg. 150 days; emergency amendment at 14 Ill. Reg. 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 1361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14235, effective August 31, 1992; amended at 16 Ill. Reg. 17332, effective November 6, 1992; emergency amendment at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 8486, effective January 1, 1993; amended at 17 Ill. Reg. 1498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January 25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill. Reg. 12206, effective _____.

Section 147.205 Nursing Rates

For residential nursing services provided to Medicaid residents in skilled and intermediate care facilities from January 1, 1989, unless otherwise indicated,

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The Department will determine nursing rates according to the following steps:

- Calculation of the nursing rate: For each facility, the nursing rate will be computed according to the methods specified in Section 17.150(b), employing reimbursable staff times as specified in Section 17.150(b).
- Calculation of the final nursing rate: For each facility, a final nursing rate will be equal to the sum of the nursing rate (see subsection (a) above) plus an add-on for Care Planning equal to \$.45 subtracted per resident day, statewide. Effective July 1, 1992 and ending August 31, 1993, there will be an additional wage adjuster add-on of \$1.58 per resident day for geographic areas HSAs that have wages equal to or above the Statewide average and \$2.00 per resident day for geographic areas HSAs that have wages below the Statewide average. Effective September 1, 1993, the wage adjuster add-on will be eliminated.
- An add-on of \$.10 per resident day will be paid for emergency dental services that are in compliance with Federal regulations—42 CFR 493.55-1199477—including services needed to treat an episode of acute pain in the teeth, gums or palate, broken or otherwise damaged teeth or any other problem of oral cavity appropriately treated by a dentist that requires immediate attention.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD
NOTICE OF ADOPTED AMENDMENTS1) Heading of the Part: Programs2) Code Citation: 11 Ill. Adm. Code 4153) Section Numbers:
415.70
Amended Action:
Amendment4) Statutory Authority: 230 ILCS 5/9(b)5) Effective Date of Rule: September 1, 19976) Does this rulemaking contain an automatic renewal date? No7) Does this amendment contain incorporation by reference? No8) Date filed in Agency's Principal Office: August 18, 19979) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 5454, May 199710) Has JCRR issued a Statement of Objections to this rule? No11) Differences between proposal and final version: The authority note was corrected.12) Have all the changes agreed upon by the agency and JCRR been made as indicated in the letter issued by JCRR? Yes13) Will these amendments replace emergency amendments currently in effect?
No14) Are there any other proposed amendments pending in this Part? No15) Summary and purpose of rules: This rulemaking requires each organization licensee to transmit its program information to intertrack and intertrack location licensees electronically. The current rule allows the option of distributing a hard copy official program or electronic transmission of program information to intertrack wagering and intertrack wagering location licensees.16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Legal Department
Illinois Racing Board
100 West Randolph, Ste. 11-100
Chicago, IL 60601

ILLINOIS RACING BOARD
NOTICE OF ADOPTED AMENDMENTS

(312) 814-5070

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 415
PROGRAMS

Section

- 415.20 Required Information
- 415.20 Supply Information for Patrons (Repealed)
- 415.40 Thoroughbred Programs
- 415.40 Harness Programs
- 415.50 Quarterhorse Programs
- 415.60 Availability of Programs
- 415.70 Distribution of Programs

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 4 Ill. Reg. 43, effective October 20, 1980; codified at 5 Ill. Reg. 10900; emergency amendment at 7 Ill. Reg. 16201, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5698, effective April 16, 1984; amended at 14 Ill. Reg. 11314, effective July 3, 1990; amended at 15 Ill. Reg. 7486, effective April 14, 1992; amended at 16 Ill. Reg. 17756, effective November 1994; amended at 19 Ill. Reg. 12611, effective September 1, 1995; amended at 21 Ill. Reg. 12200.

Section 415.70 Distribution of Programs

Each organization licensee shall distribute its official program or provide electronic transmission of program information to all intertrack licensees and intertrack location licensees at least 24 hours before the scheduled post of the first race of its racing program.

(Source: Amended at 21 Ill. Reg. 12200, effective _____)

DEPARTMENT OF REVENUE

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Heading of the Part: Retailers' Occupation Tax

Code Citation: 86 Ill. Adm. Code 130

Section Numbers: Adopted Action:
130.331 New Section
130.2005 Amendment

Statutory Authority: 35 ILCS 120 and 20 ILCS 2505/39b1.9

Effective Date of Amendment(s): August 26, 1997

Does this rulemaking contain an automatic repeal date? No

Does this amendment contain incorporations by reference? No

Date Filed in Agency's Principal Office: August 26, 1997

Notice of Proposal Published in Illinois Register:

June 6, 1997, 21 Ill. Reg. 6801

June 13, 1997, 21 Ill. Reg. 7091

10) Has JCRR issued a Statement of Objections to these Amendments? No

11) Differences between original and final version: The only changes made were the ones agreed upon with JCRR. Changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCRR been made as indicated in the agreement letter issued by JCRR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment(s): New Section 130.331 amends the Department's rules concerning the Retailers' Occupation Tax Act to provide detailed rules in response to Public Act 88-547, effective June 30, 1994, creating the Manufacturer's Purchase Credit for purchases made on and after January 1, 1995, of manufacturing machinery and equipment. This rulemaking also incorporates the changes provided by P.A. 89-89, effective June 30, 1995.

Section 130.2005 amends the Retailers' Occupation Tax by providing that for purposes of the occasional dinners and similar activities exemption, "occasional" means not more than twice in any calendar year (currently "any given one year period"). Provides that where more than two events

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are held in any calendar year, the organization or institution may select which two events held within that year will be considered exempt. Once the organization or institution has made the selections, the selections cannot be changed. All other events in that year will be considered taxable. Also provides that charitable or religious organizations incur Retailers' Occupation Tax liability on their receipts from sales of meals to the public unless such selling constitutes an occasional dinner or other similar activity, as authorized in the regulation.

16) Information and questions regarding this adopted amendment shall be directed to:

Gina Roccaforte
Terry Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
130.101
130.105
130.110
130.111
130.115
130.120

Character and Rate of Tax
Responsibility of Trustees, Receivers, Executors or Administrators
Resale of Sales
Sales of Used Motor Vehicles by Leasing or Rental Business
Retail Sales
Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section
130.201
130.205
130.210
130.215
130.220

The Test of a Sale at Retail
Sales for Transfer Incident to Service
Sales of Tangible Personal Property to Purchasers for Resale
Further Illustrations
Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.305
130.310
130.315
130.320
130.321
130.325
130.330
130.331
130.335
130.340
130.345
130.350

Farm Machinery and Equipment
Food, Drugs, Medicines and Medical Appliances
Fuel Sold for Use in Vessels on Rivers Bordering Illinois
Gasohol
Fuel Used by Air Common Carriers in International Flights
Graphic Arts Machinery and Equipment Exemption
Manufacturer's Purchase Credit
Pollution Control Facilities
Rolling Stock
Oil Field Exploration, Drilling and Production Equipment
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section
130.401
130.405

Meaning of Gross Receipts
How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser

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130.410 Cost of Doing Business Not Deductible
 130.415 Transportation and Delivery Charges
 130.420 Franchise Charges--Penalties--Discounts
 130.425 Traded-In Property
 130.430 Deposit or Prepayment on Purchase Price
 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
 130.440 Penalties
 130.445 Federal Taxes
 130.450 Installation, Alteration and Special Service Charges
 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART B: RETURNS

Section
 130.501 Monthly Tax Returns--When Due--Contents
 130.502 Quarterly Tax Returns
 130.505 Returns and How to Prepare
 130.510 Final Tax Returns
 130.515 Final Returns
 130.520 Final Returns When Business is Discontinued
 130.525 Who May Sign Returns
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
 130.540 Returns on a Transaction by Transaction Basis
 130.545 Registrants Must File a Return for Every Return Period
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
 130.555 Vending Machine Information Returns
 130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
 130.601 Preliminary Comments
 130.605 Sales of Property Originating in Illinois
 130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
 130.701 General Information on Obtaining a Certificate of Registration
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
 130.710 Procedure When Security Must be Forfeited
 130.715 Sub-Certificates of Registration

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130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
 130.725 Display Requirements
 130.730 Requirement of Certificate
 130.735 Certificate Not Transferable
 130.740 Certificate Required For Mobile Vending Units
 130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section

130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section

130.901 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section

130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section

130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

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130.1301 When Lessee of Premises Must File Return for Leased Department
 130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
 130.1410 Requirements for Certificates of Resale (Repealed)
 130.1415 Resale Number-When Required and How Obtained
 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
 130.1501 Claims for Credit--Limitations--Procedure
 130.1505 Disposition of Credit Memoranda by Holders Thereof
 130.1510 Refund
 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section
 130.1601 When Returns are Required After a Business is Discontinued
 130.1605 When Returns Are Not Required After Discontinuation of a Business
 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section
 130.1801 When Powers of Attorney May be Given
 130.1805 Filing of Power of Attorney With Department
 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section
 130.1901 Addition Agents to Plating Baths
 130.1905 Agricultural Producers

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130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
 130.1915 Auctioneers and Auctioneering
 130.1920 Barber and Beauty Shop Operators
 130.1925 Blacksmiths
 130.1930 Chiropractors, Osteopaths and Chiropractors
 130.1935 Computer Software
 130.1940 Construction Contractors and Real Estate Developers
 130.1945 Co-operative Associations
 130.1950 Dentists
 130.1955 Enterprise Zones
 130.1960 Sales of Building Materials to a High Impact Business
 130.1965 Farm Chemicals
 130.1965 Finance Companies and Other Lending Agencies - Installment Contracts
 130.1965 - Repossessions
 130.1965 Florists and Nurserymen
 130.1970 Franchises
 130.1975 Games of Chance and Their Suppliers
 130.1980 Optometrists and Opticians
 130.1985 Pawnbrokers
 130.1990 Peddlers, Hawkers and Itinerant Vendors
 130.1995 Personalizing Tangible Personal Property
 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
 130.2006 Sales by Teacher-Sponsored Student Organizations
 130.2007 Exemption Identification Numbers
 130.2008 Sales by Nonprofit Service Enterprises
 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
 130.2020 Physicians and Surgeons
 130.2025 Picture-Framers
 130.2030 Public Amusement Places
 130.2035 Registered Pharmacists and Druggists
 130.2040 Retailers of Clothing
 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
 130.2050 Sales and Gifts By Employers to Employees
 130.2055 Sales by Governmental Bodies
 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 130.2065 Sales of Automobiles for Use in Demonstration
 130.2070 Sales of Containers, Wrapping and Packing Materials and Related

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Products

- 130.2075 Sales to Construction Contractors, Real Estate Developers and Speculative Builders
- 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
- 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
- 130.2090 Sales to Railroad Companies
- 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
- 130.2100 Sellers of Feeds and Breeding Livestock
- 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and their Suppliers
- 130.2110 Sellers of Seeds and Fertilizer
- 130.2115 Sellers of Machinery, Tools and the Like
- 130.2120 Suppliers of Personnel Engaged in Service Occupations and Professions
- 130.2125 Sellers of Automobiles, Motorcycles, Bicycles and Scooters
- 130.2130 Undertakers and Funeral Directors
- 130.2135 Winding Machines
- 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
- 130.2145 Vendors of Meals
- 130.2150 Vendors of Memorial Stones and Monuments
- 130.2155 Vendors of Signs
- 130.2160 Vendors of Steam
- 130.2165 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
- 130.2165 Veterinarians
- 130.2170 Warehousesmen

ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [25 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 918, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8249; recodified at 11 Ill. Reg. 8939, amended at 6 Ill. Reg. 3225, effective December 1, 1982; amended at 11 Ill. Reg. 7990, effective June 1, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062,

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effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 1989, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 10 Ill. Reg. 12067, effective March 1987; amended at 11 Ill. Reg. 4232, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 15 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 1, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 13919, effective October 17, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 867, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13668, effective September 11, 1995; amended at 19 Ill. Reg. 13668, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; expedited correction at 20 Ill. Reg. 4052, effective December 2, 1996; amended at 21 Ill. Reg. 1242, effective January 1, 1997.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.331 Manufacturer's Purchase Credit

- a) Earning Manufacturer's Purchase Credit
- 1) Effective January 1, 1995, a manufacturer may earn a credit when purchasing exempt manufacturing machinery and equipment. The credit is known as the Manufacturer's Purchase Credit or MPC. The amount of credit is limited to a percentage of the 6.25% State rate of tax that would have been incurred on the purchase of exempt manufacturing machinery and equipment. (See Section 130.330 of this Part.)
- 2) The percentage of credit earned based upon exempt purchases increases over time as follows:
- A) 13% for purchases made on or before June 30, 1995.

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- B) 25% for purchases made after June 30, 1995, and on or before June 30, 1996.
- C) 20% for purchases made after June 30, 1996, and on or before June 30, 1997.
- D) 50% for purchases made on or after July 1, 1997. (Section 3-95 of the Use Tax Act.)

3) The credit is earned at the time qualifying manufacturing machinery and equipment is purchased. A qualifying purchase is considered to take place as of the date of invoice of that qualifying manufacturing machinery and equipment. The credit is considered to be earned on qualifying manufacturing machinery and equipment that is purchased under an installment contract or progress payment contract at the time that each installment or progress payment is invoiced. The amount of credit that is earned is based on the amount of tax that would have been due on that portion of the purchase price that is invoiced.

4) No credit is earned for exempt purchases under the extended payment plan described in subsection (b) of Section 3-95 of the Use Tax Act. No credit is earned for purchases of machinery and equipment that qualify as exempt under the manufacturing machinery and equipment exemption described in Section 130.310 of this Part.

5) No credit is earned for a purchase of tangible personal property that qualifies as an occasional sale, as described in subsection (a) of Section 130.110 of this Part.

6) No credit is earned for a purchase of tangible personal property that is purchased for resale. (See subsection (a) of Section 130.210 of this Part.)

b) Using Manufacturer's Purchase Credit

1) The credit may be used to satisfy Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. (See Section 3-85 of the Use Tax Act and Sections 130.131 and Section 3-70 of the Service Use Tax Act.) The credit may be used to satisfy the credit for the 6.25% state rate of tax incurred prior to the credit being earned. Credit may not be used on a qualifying purchase, except as provided in subsection (e)(7)(B) below. However, the credit may be used the same day that it is earned, but must be followed by proper reporting of the credit as set out in subsections (c), (d), and (e) below. For purposes of when to use accumulated Manufacturer's Purchase Credit, a manufacturer is always safe to use the credit in a month after the month in which the credit was earned.

2) The credit is non-transferable and may not be used to satisfy the tax liability of any taxpayer other than the manufacturer that earned the credit.

A) A manufacturer may enter into a written contract with a construction contractor to authorize that construction contractor to utilize Manufacturer's Purchase Credit

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accumulated by the manufacturer for the purchase of tangible personal property to be installed into real estate within a manufacturing facility for use in a production related process. The written contract must specify the specific dollar amount of Manufacturer's Purchase Credit that the construction contractor is authorized to utilize on behalf of the manufacturer.

B) To properly utilize the Manufacturer's Purchase Credit on behalf of the manufacturer when purchasing tangible personal property for installation into real estate within a manufacturing facility for use in a production related process, the contractor must furnish the supplier with information stating:

- i) The manufacturer's name and address;
- ii) The manufacturer's registration or resale number; and
- iii) A statement that a specific amount of Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the Manufacturer's Purchase Credit.

C) To properly utilize the Manufacturer's Purchase Credit on behalf of the manufacturer when purchasing tangible personal property for installation into real estate within a manufacturing facility, the contractor must furnish the manufacturer with information stating:

- i) Each vendor's or supplier's name and address (including, if applicable, either the vendor's or supplier's registration number or Federal Employer Identification Number);
- ii) The date of purchase, purchase price, and description of the tangible personal property purchased; and
- iii) The amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, that was satisfied by the Manufacturer's Purchase Credit utilized for each purchase.

D) Credit may not be transferred to a related but separately registered division or company.

2) Production related tangible personal property means all tangible personal property used or consumed in a production related process by a manufacturer in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, and all tangible personal property used or consumed by a manufacturer in research and development regardless of use within or without a manufacturing facility. (See Section 3-85 of the Use Tax Act.)

4) Tangible personal property means all tangible personal property used or consumed by a manufacturer in a manufacturing facility will be considered production related.

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- A) Tangible personal property purchased by a manufacturer for incorporation into real estate within a manufacturing facility for use in production or related processes or for use in production or related processes of a contractor for incorporation into real estate within a manufacturing facility for use in a production related process pursuant to a written contract described in subsection (b)(2)(A) of this Section.
- B) Supplies and consumables used in a manufacturing facility, including fuels, coolants, solvents, oils, lubricants, cleaners and adhesives.
- C) Hand tools, protective apparel, and fire and safety equipment used or consumed in a manufacturing facility.
- D) Tangible personal property used or consumed for purposes of pre-production and post-production material handling, receiving, quality control, inventory control, storage, cleaning and packing for shipping or transportation.
- E) By way of illustration and not limitation, the following uses of tangible personal property are excluded:
- A) The use of trucks, trailers, and motor vehicles which are required to be titled or registered pursuant to the Illinois Motor Vehicle Code [625 ILCS 5/], and aircraft or watercraft required to be registered with an agency of State or Federal government.
- B) Office supplies, computers, desks, copiers and equipment which are used for sales, purchasing, accounting, fiscal management, marketing and personnel recruitment or selection activities, even if such use takes place within a manufacturing facility.
- C) Tangible personal property used or consumed for aesthetic or decorative purposes, including landscaping and artwork.
- D) Tangible personal property used or consumed outside the manufacturing facility within tangible personal property subsection (b)(2)(D) except that the exception does not apply to tangible personal property used or consumed for research and development purposes.
- E) Tangible personal property purchased by a construction contractor for incorporation into a manufacturing facility, unless such purchase by the construction contractor was made on behalf of a manufacturer pursuant to a written contract described in subsection (b)(2)(A) of this Section.
- 6) The credit may be used to satisfy the State portion (6.25%) of a Use Tax or Service Use Tax liability arising under audit where the liability established is the result of an erroneous claim of the Manufacturer's Machinery and Equipment exemption provided in Section 2-45 of the Retailers' Occupation Tax Act, or where the manufacturer failed to self-assess and remit Use Tax or Service Use Tax on the purchase of production related tangible personal

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- property. (See Section 3-45 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.) The credit may only be used to satisfy the State portion (6.25%) of a Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. Under no circumstances may the credit be used to satisfy the State portion (6.25%) of a Use Tax liability incurred by a manufacturer.
- 7) Credit may be used to satisfy the State portion (6.25%) of a qualifying Use Tax or Service Use Tax liability incurred by a manufacturer on a purchase of production related tangible personal property when payment of tax must be made directly to the Department.
- 8) The credit expires December 31st of the second calendar year following the calendar year in which the credit was earned. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.) However, for credit earned on or after June 30, 1995, the life of unreported credit may be extended during the period of an agreed extension of the statute of limitations as provided in subsection (e)(7) below.
- 9) A manufacturer may use credit to satisfy Service Use Tax liability on a purchase of production related tangible personal property transferred incident to the sale of serviceable personal property.
- C) Reporting Manufacturer's Purchase Credit Earned or Used For Periods from January 1, 1995 through June 29, 1995
- 1) In order to validate credit earned as the result of a qualifying purchase of exempt manufacturing machinery and equipment or credit used on a qualifying purchase, the manufacturer must report credit earned to the Department in a timely manner. Failure to report credit earned will result in expiration of the credit as of the date earned.
- 2) On forms prescribed or approved by the Department, a manufacturer must report credit earned or used by the last day of the second month following the month of creation or use of the credit. No credit report is required for any month in which a manufacturer neither earned nor used credit. Original invoices or copies of invoices are not to be filed with the Department. Credit Use Tax and Service Use Tax credit may be used, whether property or inventory expires upon use, and cannot be recreated once used. The manufacturer may be liable for tax, penalty and interest on the purchase of production related tangible personal property where expired credit was used, in accordance with provisions of the Uniform Penalty and Interest Act [35 ILCS 735]. The following represent examples of uses of credit that will result in expiration of the credit:
- A) Failure to report credit or use of credit.
- B) Failure to timely report credit or use of credit.
- C) Use of credit prior to actually earning credit as described in subsection (a)(3) above.

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D) Return of goods to supplier for full refund including tax where credit was tendered in payment of tax. Credit expires once used and cannot be recreated once used regardless of reason for return.

4) A purchaser earning Manufacturer's Purchase Credit must maintain records, as to each purchase of manufacturing machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, that identify the following:

A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);

B) The date of purchase, purchase price, and description of the exempt manufacturing machinery and equipment; and

C) The amount of Manufacturer's Purchase Credit earned on that purchase.

5) A purchaser using Manufacturer's Purchase Credit must maintain records, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability, that identify the following:

A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);

B) The date of purchase, purchase price, and description of the production related tangible personal property; and

C) The amount of Manufacturer's Purchase Credit used to satisfy the purchaser's Use Tax or Service Use Tax liability on that purchase.

6) As determined pursuant to audit by the Department, credit earned by purchase of exempt machinery and equipment that has not been timely and properly reported will result in expiration of the credit. Use of expired credit in this situation may result in an assessment for tax, penalty and interest on the subsequent purchase of production related tangible personal property. Credit that was properly reported when earned but was not timely and properly reported to the Department when used will likewise expire resulting in an assessment for tax, penalty and interest on the purchase of production related tangible personal property for which it was offered in payment of Use Tax or Service Use Tax liability.

d) Reporting Manufacturer's Purchase Credit Earned or Used on June 30, 1999.

7) The reporting requirements for Manufacturer's Purchase Credit were changed by Public Act 89-99, effective January 1, 1995. In order to provide consistent and easier reporting requirements for manufacturers utilizing Manufacturer's Purchase Credit and the Department's administration of the Manufacturer's Purchase Credit program, manufacturers are reminded to report Manufacturer's

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Purchase Credit earned or used on June 30, 1995, under the methods described in subsection (c) of this Section. However, the Manufacturer's Purchase Credit earned or used on that date will be subject to the provisions described in subsection (e) of this Section without the necessity of including those Manufacturer's Purchase Credits in an Annual Report of Manufacturer's Purchase Credit Earned or an Annual Report of Manufacturer's Purchase Credit Used.

2) A manufacturer filing an Amended Annual Manufacturer's Purchase Credit Report under subsection (e)(7) of this Section that includes Manufacturer's Purchase Credit earned or used on June 30, 1995, must disclose that such report includes Manufacturer's Purchase Credit earned or used on June 30, 1995.

e) Reporting Manufacturer's Purchase Credit Earned or Used for periods on January 1, 1999.

1) In order to validate credit earned as the result of a qualifying purchase of exempt manufacturing machinery and equipment, the manufacturer must report credit earned to the Department by filing an Annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which the Manufacturer's Purchase Credit is earned. The Annual Report of Manufacturer's Purchase Credit Earned shall be filed on forms prescribed or approved by the Department and shall state, for each month of the calendar year:

A) The total purchase price of all purchases of exempt manufacturing machinery and equipment on which the credit was earned;

B) The total State Use Tax or Service Use Tax which would have been paid on those items;

C) The percentage used to calculate the amount of credit earned;

D) The amount of credit earned; and

E) Such other information as the Department may reasonably require. (See Section 3-85 of the Use Tax Act.)

2) A purchaser earning Manufacturer's Purchase Credit must maintain records as to each purchase of manufacturing machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit that identify the following:

A) The vendor or supplier (including, if applicable, either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);

B) The date of purchase, purchase price, and description of the exempt manufacturing machinery and equipment; and

C) The amount of Manufacturer's Purchase Credit earned on that purchase.

3) In order to validate credit used to satisfy the tax liability on purchases of production related tangible personal property, the

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manufacturer must report credit used to the Department by signing and filing an Annual Report of Manufacturer's Purchase Credit used for each calendar year no later than the last day of the sixth month following the calendar year in which the Manufacturer's Purchase Credit is used. The Annual Report of Manufacturer's Purchase Credit used shall be filed on forms prescribed or approved by the Department and shall state, for each calendar year, all production related, tangible and intangible property purchased from Illinois vendors or suppliers.

2) The total purchase price of all production related, tangible and intangible property purchased from Illinois vendors or suppliers;

3) The total purchase price of all production related, tangible and intangible property purchased from out-of-State vendors or suppliers;

4) The total amount of Manufacturer's Purchase Credit used during each month; and

5) Such other information as the Department may reasonably require. (See Section 3-45 of the Use Tax Act.)

6) A purchaser using Manufacturer's Purchase Credit must maintain records, as to each purchase of production related tangible and intangible property on which the purchaser used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability, that identify the following:

7) Vendor or supplier's Illinois identification number, or Federal Employer Identification Number;

8) The date of purchase, purchase price, and description of the production related tangible personal property; and

9) The amount of Manufacturer's Purchase Credit used to satisfy the purchaser's Use Tax or Service Use Tax liability on that purchase.

10) No Annual Report of Manufacturer's Purchase Credit Earned or Annual Report of Manufacturer's Purchase Credit Used may be filed with the Department before May 1, 1996. (Section 3-45 of the Act)

11) A purchaser that fails to properly file an Annual Report of Manufacturer's Purchase Credit Earned or an Annual Report of Manufacturer's Purchase Credit Used with the Department by the last day of the sixth month following the end of the calendar year in which the Manufacturer's Purchase Credit earned or used for that calendar year is subject to the same penalties that the purchaser's failure to file was due to reasonable cause.

12) Annual Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases of manufacturing machinery and equipment not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a Notice of Tax Liability as provided in Section 4 of the Retailers' Occupation Tax Act.

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However, such an agreed extension will not restore a credit that has previously been reported and has expired prior to the agreed extension. Manufacturer's Purchase Credit that had not been previously reported and is included in an amended Annual Report submitted as a result of such an agreed extension will expire as provided in subsection (b)(2) of this Section or at the end of the agreed extension period, whichever is longer. If the time for assessment or refund has been extended by agreement, amended return, or refund claim, the credit will be added to the total amount of credit available for the calendar year ending on the date to which the statute of limitations for the calendar year or portion thereof has been extended. Manufacturer's Purchase Credit claimed on an amended report may be used to satisfy tax liability under the Use Tax Act or the Service Use Tax Act.

1) Qualifying purchases of production related tangible personal property made after the date the amended report is filed; or

2) Amounts assessed by the Department on purchases made on or after January 1, 1995, of machinery and equipment that did not qualify for the exemption described in Section 130.130 of this Part, but would have qualified as production related tangible personal property. The credit will be applied to the tax portion of the assessment liability as of the date that the Department receives a written request by the purchaser directing the Department to apply the credit to the liability.

3) A purchaser who used Manufacturer's Purchase Credit to satisfy the purchaser's Use Tax or Service Use Tax liability incurred on the purchase of property that is later determined not to qualify as production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of the purchase. However, the purchaser is entitled to use such disallowed Manufacturer's Purchase Credit, so long as it has not expired, on qualifying purchases of production related tangible personal property not previously subject to credit usage.

4) Retailers or Servicemen Accepting Manufacturer's Purchase Credit

1) In order to accept Manufacturer's Purchase Credit from a manufacturer, the supplier or serviceman must obtain a Manufacturer's Purchase Credit certificate from the manufacturer. Unless the manufacturer has incorporated its certification into the purchase order, the supplier or serviceman must obtain the manufacturer's certificate. The certificate may be provided by the manufacturer or on the manufacturer's own form containing the appropriate information. The certificate must be kept in the supplier's or serviceman's books and records, but need not be submitted to the Department with the supplier's or serviceman's return. A Manufacturer's Purchase Credit certificate must contain the following information:

2) A signed statement that the manufacturer is using available

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accumulated Manufacturer's Purchase Credit to satisfy all or part of the 6.25% portion of Use Tax or Service Use Tax liability incurred on a qualifying purchase of production related tangible personal property;

B) The manufacturer's name and address;

C) The manufacturer's registration number, if registered;

D) The date of purchase of the production related tangible personal property; and

E) The credit being used. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)

2) A manufacturer may incorporate the Manufacturer's Purchase Credit certification into the manufacturer's purchase order if all of the required information is contained within that purchase order.

3) Manufacturer's Purchase Credit accepted by the supplier or serviceman may be used by the supplier or serviceman to satisfy its obligation under the Retailers' Occupation Tax Act or the Service Occupation Tax Act so long as the supplier or serviceman complies with the following:

A) The supplier or serviceman may not accept credit in excess of 6.25% of the purchase price of qualifying production related tangible personal property. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)

B) The supplier or serviceman must properly report acceptance of the credit to the Department in order to be entitled to use of the credit in satisfaction of Retailers' Occupation Tax or Service Occupation Tax liability.

9) Lessors Exempt and Using Manufacturer's Purchase Credit

1) A lessor leasing exempt manufacturing machinery and equipment to a purchaser may earn Manufacturer's Purchase Credit when purchasing such machinery and equipment in the same manner as a manufacturer.

2) A lessor leasing qualifying production related tangible personal property to a manufacturer may use Manufacturer's Purchase Credit when purchasing such qualifying property in the same manner as a manufacturer. (See Section 3-85 of the Use Tax Act and Section 3-70 of the Service Use Tax Act.)

3) A lessor of exempt machinery and equipment and qualifying production related tangible personal property must report the accumulation and use of credit in the same manner as required for manufacturers.

4) Since the Manufacturer's Purchase Credit is a non-transferable credit, a lessor may not use credit earned by a lessee, nor may a lessor transfer credit it has earned to a lessee.

(Source: Added Article 3, at 21. Ill. Rep. 1221, effective

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SUBPART S: SPECIFIC APPLICATIONS

Section 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons

a) Sales by Nonprofit Service Organizations Effective August 1, 1961, nonprofit country clubs, boat clubs, employees' clubs or organizations and other nonprofit social, athletic or recreational organizations, lodges, patriotic organizations, fraternities, sororities, professional and trade associations, civic organizations, labor unions and other nonprofit persons who are not exclusively charitable, religious or educational organizations are liable for Retailers' Occupation Tax when selling tangible personal property at retail to members, guests or others. The same is true of exclusively charitable, religious or educational organizations and institutions with certain limited exceptions.

1) Scope of the Exemption

A) There still are some very limited exemptions from the Retailers' Occupation Tax for sales by exclusively charitable, religious and educational organizations and institutions. However, the exemption is not available unless the selling organization or institution does qualify as an "exclusively" charitable, religious or educational organization or institution.

B) It is not enough simply to be a nonprofit organization or institution. In case of doubt concerning any such seller's status, apply to the Department of Revenue for a letter ruling, submitting copies of the Charter or Constitution and By-laws and other relevant documents with the request.

C) The exemption that is available under some circumstances for sales by exclusively charitable, religious or educational organizations or institutions is not available in any situation, for example, to sales by such other kinds of nonprofit organizations as civic clubs, nonprofit social and recreational organizations, patriotic organizations, lodges and their auxiliaries, trade associations, etc. Even though the latter types of organizations do much good charitable work, they are not "exclusively" charitable organizations under Illinois Supreme Court decisions, so any retail selling which they do would be subject to the Retailers' Occupation Tax.

D) Some of the kinds of organizations which qualify as exclusively charitable organizations are Parent-Teacher Organizations, the American Red Cross, the National Community Chest, the United Fund Organization, the Y.M.C.A., the Y.W.C.A., Boy Scout organizations and Girl Scout organizations.

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- E) Exclusively charitable, religious and educational organizations incur Retailers' Occupation Tax liability when they engage in selling tangible personal property at the following three situations:
- 2) Sales to Members, Etc.
 - A) The first exception is not taxable if they are made to an organization's members, or to its students in the case of a school or to its patients in the case of a nonprofit hospital which qualifies as a charitable institution, primarily for the purposes of the selling organization.
 - B) Examples of sales that come under this exemption are sales of uniforms, insignia and scouting equipment by Scout organizations to their members; sales of Bibles by a church to its members, and sales of choir robes by a church to the members of the church's choirs. The selling organization would incur Retailers' Occupation Tax liability if it should engage in selling any of the foregoing items at retail to the public.
 - C) The selling of school books and school supplies by schools at retail to students shall not be deemed to be "primarily for the purpose of" the school which does such selling. Consequently, schools incur Retailers' Occupation Tax liability when they engage in selling school books or school supplies at retail to their students or to others.
 - 3) Noncompetitive Sales
 - A) The second exception is that sales by exclusively charitable, religious or educational organizations are not subject to the Retailers' Occupation Tax when it can be said that such selling is noncompetitive with business establishments.
 - B) The Attorney General has laid down the following tests for determining that such selling is noncompetitive:
 - i) The transactions are conducted by members of the charitable entity and not by any franchisee or licensee.
 - ii) All of the proceeds must go to the charity.
 - iii) The transaction must not be a continuing one but rather should be held either annually or a reasonably small number of times within a year. The test of reasonableness would be an administrative decision, to be made by the Department of Revenue.
 - iv) The reasonably ascertainable dominant motive of most transferees of the items sold must be the making of a charitable contribution, with the transfer of property being merely incidental and secondary to the dominant purpose of making a gift to the charity.
 - C) In addition, the Attorney General has stated that there are

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- these further considerations for the purpose of furnishing some guides to the resolution of questions raised by each individual situation:
- i) The nature of the particular item sold. All other things being equal, the decision as to candy might well be different from the decision as to refrigerators.
 - ii) The character of the particular sale, and the real practical effect upon punitive competition.
 - D) Under this exception, examples of exempt sales are infrequent sales of cookies, doughnuts, candy, calendars or Christmas trees by Scout organizations or by other exclusively charitable organizations, or exclusively General's organizations. In this category, the Attorney General's opinion stresses that the sale must be infrequent and that the dominant motive of the purchase must be the making of a donation to the charitable or religious organization which conducts the sale, rather than the acquisition of property.
 - E) Even if the sale to the public occurs only once a year, the charitable or religious organization which conducts the sale would incur Retailers' Occupation Tax liability if it sells hats, greeting cards or other items for which the dominant motive of the purchase is the acquisition of the property rather than the making of a donation to the organization as a token for the making of a contribution.
 - 4) Occasional Dinners and Similar Activities
 - A) The third exception is that occasional dinners, socials or other similar activities which are conducted by exclusively charitable, religious or educational organizations or institutions are not taxable, whether or not such activities are open to the public. This exemption extends to occasional dinners, ice cream socials, fun fairs, carnivals, rummage sales, bazaars, bake sales and the like, when conducted by exclusively charitable, religious or educational organizations or institutions, whether the items that are sold are purchased or donated for the purposes of the sale, and even if the sale is open to the public.
 - B) For the purposes of this exemption, "occasional" means not more than twice in any calendar year given one-year-period. Where two events are held in any calendar year, the organization or institution may select which two events held within that year will be considered exempt. Once the organization or institution has made this selection, the selections cannot be changed. All other events in that year will be considered taxable.
 - C) This exemption does not extend to "occasional" sales, by exclusively charitable, religious or educational

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organizations or institution, of hats, greeting cards, cookbooks, flag kits and other similar items because these are not "occasional dinners, socials or similar activities" within the meaning of the Act, and the selling of these kinds of items at retail even on an occasional basis does generally place the selling organization in substantial competition with business establishments.

b) Rules Governing	Some Special Kinds of	Selling	by Exclusively

1) Hospital Sales

A) Nonprofit hospitals which qualify as exclusively charitable organizations are not taxable when selling food or medicine to their patients in connection with the furnishing of hospital service to them, nor on the operation of restaurant facilities which are conducted primarily for the benefit of the hospital's employees, and which are not open to the public. However, sales made in a hospital cafeteria which is open to the public will be taxable sales.

B) In the case of hospitals which qualify as charitable institutions, such hospitals are not taxable when selling drugs to anyone because this is for the relief of the sick (which is the hospital's primary purpose) and so is exempt from tax under section 10(2)(b). However, a hospital or hospital auxiliary incurs retailers' Occupation Tax liability when selling candy, chewing gum, tobacco products, razor blades and the like at retail even when such items are sold only to patients because (unlike food and medicine) these items are not essential for the furnishing of hospital service, and they are competitive.

C) The same distinctions apply to nonprofit sanitaria and nonprofit nursing homes when they qualify as exclusively charitable institutions.

2) Gift :

Charitable or religious organizations incur Retailers' Occupation tax liability on the retail selling which they do in the course of operating gift shops and rummage stores.

3) Meals

A) Charitable or religious organizations incur Retailers Occupation Tax liability on their receipts from sales of merchandise. Such receipts, if the sale of such merchandise is a means to the public unless such selling constitutes an occasional dinner or other similar activity, as authorized in subsection (4)(d)(B), above. No more than two such occasional dinners or other similar activities are authorized in any calendar year in *done-only*-occasionally not more than twice in any given period of one year. Such in-the-latter-every such sales are tax exempt, provided that all the profits from such sales are used for charitable or

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religious purposes. If such sales occur more than twice in any calendar year, refer to subsection (a)(4)(B), above.

B) Also, a church or religious organization does not incur Retailers' Occupation Tax liability on its receipts from sales of meals where the following conditions are met:

- i) The profits, if any, are used for religious purposes;
- ii) the meals are confined to the members of such church and their guests and are not open to the public; and
- iii) the serving of the meals is connected with some religious service or function.

C) Under the circumstances just described, even if this type of selling of meals is done rather frequently, it is exempt from the Retailers' Occupation Tax because of being in the category of sales to members "primarily for the purposes of" the religious organization (the seller).

4) Special Problems Concerning Sales by Schools

A) Dining facilities
A school does not incur Retailers' Occupation Tax liability on its operation of a cafeteria or other dining facility which is conducted on the school's premises, and which confines its selling to the students and employees of the school. In any instance in which the dining facility is opened up for the use of other persons, all sales that are made at such facility while that condition continues to prevail are taxable.

B) Meaning of "Student"
For the purpose of the exemptions under discussion, a "student" is a person who is taking a course from the school for credit.

C) School Books and School Supplies
1) A school incurs Retailers' Occupation Tax liability when selling school books and school supplies to its

ii) Schools are not taxable on their sales of school students or others, for use.

D) Clothing and Dormitory Supplies
Schools incur Retailers' Occupation Tax liability when they sell sweaters, sweat shirts, gym shoes, jackets and other items of clothing to students or others for use. The same is true when a school sells furniture, rugs or other dormitory supplies to users.

E) Miscellaneous Items
A school or school organization incurs Retailers' Occupation Tax liability when it sells soft drinks, candy, peanuts, popcorn, chewing gum and the like to students or to members of the public for use or consumption, where these items are sold at a school book store, through vending machines or otherwise than in a restricted school cafeteria as a part of

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the selection which the student has in buying meals in such cafeterias. However, the proceeds from the sale of tangible personal property by teacher-sponsored student organizations affiliated with an elementary or secondary school located in Illinois are exempt from Retailers' Occupation Tax. (See Section 2-5(6) of the Act and 86 Ill. Adm. Code 130.2006.)

c) Registration and Returns

- 1) Nonprofit organizations which incur Retailers' Occupation Tax liability as retail sellers of tangible personal property are required to register with the Department and file periodic returns. Returns are due monthly, except that if the taxpayer's average monthly liability to the Department is \$50.00 or less, the taxpayer may apply to the Department for permission to file one return each year covering the calendar year, with the return being due by January 31 of the following year. Whenever tax is due for the return period the remittance for the tax should be made by the taxpayer to the Department by the due date.
- 2) For more information concerning the filing of returns with the Department, see Subpart E of this Part.
- 3) Registration and return forms may be obtained from the Department on request.
- 4) In the case of a church, it is recommended that a single Certificate of Registration be applied for by the church and that this be allowed to cover the selling activities of that church and all of its organizations. Registration must be obtained prior to the commencement of selling activities. (See Section 2a of the Act.)

- 5) In the case of public schools or school organizations which incur some Retailers' Occupation Tax liability so as to be required to register with the Department of Revenue, the Board of Education which governs the school district rather than each individual school organization should apply to the Department for a Certificate of Registration and such a Certificate of Education should file a single return for the return period covering all the taxable school activities that occur under its jurisdiction during the return period covered by the return.

- d) Suppliers of Nonprofit Institutions, Associations and Organizations
 - 1) Suppliers of nonprofit institutions, associations and organizations do not incur Retailers' Occupation Tax liability when they sell tangible personal property to any such purchaser for resale in any form as tangible personal property.
 - 2) Suppliers of such purchasers incur Retailers' Occupation Tax liability when they sell tangible personal property to any such purchaser at retail (i.e., for use or consumption by the purchaser or to be given away by the purchaser, and not for resale in any form as tangible personal property), provided that the tax does not apply to receipts received by the seller from sales of any kind made to any purchaser of this character who is

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able to qualify as a corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes, or any nonprofit corporation, society, association, foundation, institution or organization, whose no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older.

- 3) Many difficult questions of interpretation will arise in applying the above proviso. Each case will have to be decided on its own facts, but a few principles based on Supreme Court decisions in somewhat analogous cases are stated herebelow for guidance.

e) Nonprofit Social, Recreational and Athletic Organizations -- Nonprofit Fraternal Organizations

- 1) A purchaser is not necessarily qualified for this total exemption as to receipts received by the seller from all sales made to such purchaser merely because of the fact that the purchaser is a not-for-profit service organization. For example, if the purchaser is incorporated or otherwise organized primarily to provide entertainment, social, recreational or athletic activities to its members, to its members or their families, and is not organized and operated exclusively for charitable and educational purposes. Such a purchaser is not organized and operated exclusively for charitable purposes even though it does some charitable work. This is true even though such purchaser is organized and operated as a not-for-profit corporation, association, etc.
- 2) The same is true of nonprofit fraternal benefit societies which derive their funds from their members and are organized primarily to provide different forms of insurance benefits to their members and to persons standing in designated relationships to their members, except when such fraternal benefit societies are organized under a statutory provision which expressly declares them to be exclusively charitable organizations.

- 3) Non-profit fraternities and societies are not considered to be organized and operated exclusively for charitable, religious or educational purposes.

f) Lodges

- 1) Similarly, nonprofit corporations, societies, associations, etc., which have, as a substantial purpose, the providing of a lodge system with ritualistic work and social activities for members, and which derive their funds in large measure from such members, are not organized and operated exclusively for charitable, religious or educational purposes, even though they engage to some extent in one or more of these activities, because a substantial purpose for the existence of such an organization is one which does nothing to relieve the public of a duty to the persons benefited and otherwise bestows no benefit upon the public.

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- 2) For example, the Supreme Court has held a Masonic Lodge not to be charitable and has held that a Masonic Home for aged and destitute Masons is charitable. The Department will follow that distinction in this Section when separate legal entities are involved, considering receipts received by the seller from retail sales made to the latter to be exempt. However, if the same legal entity operates the noncharitable lodge and the charitable home, the Department will not regard such entity (when making purchases) as coming within this exemption. This is true because the importance of the noncharitable lodge function makes it impossible to say that such a purchaser is organized and operated exclusively for charitable, religious or educational purposes.
- g) Nonprofit Professional and Trade Associations -- Labor Unions -- Civic Clubs -- Patriotic Organizations -- Nonprofit Bar Associations, Medical Associations, Lions Clubs, Rotary Clubs, Chambers of Commerce and other professional, trade or business associations and labor unions, which draw their funds largely from their own members, and as to which an important purpose is to protect and advance the interests of their members in the business world, are not organized and operated exclusively for charitable or educational purposes, even though such organizations may engage in some charitable and educational work. The same conclusion applies to the American Legion, Veterans of Foreign Wars, Amvets, the Daughters of the American Revolution and other similar nonprofit patriotic organizations.
- h) Organization Must be Nonprofit to be Exclusively Charitable On the other hand, a purchaser cannot qualify as being organized and operated exclusively for charitable purposes unless it is organized and conducted on a nonprofit basis. The Department will not find it inuring to anyone as a result of the purchaser's operation. The payment of reasonable salaries to necessary employees for services actually rendered does not convert a nonprofit enterprise into a business enterprise.
- i) Other Conditions Necessary for Being Exclusively Charitable
- 1) In the case of a corporation, there can be no capital structure or net capital stock, no provision for disbursing dividends or other profits and no payment of director's fees if the corporation seeks to qualify as an exclusively charitable corporation.
 - 2) The Supreme Court has stated that a charitable purpose may refer to almost anything which promotes the well-being of society and which is not forbidden by law; but to qualify as a charity, the purchaser must be organized and operated to benefit an indefinite class of the public. There may be restrictions on the group to be benefited (such as an organization for the aged, the blind, the deaf, etc.), but the service rendered to those eligible for benefits must, nevertheless, in some way relieve the public

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- of a duty which it would have to such beneficiaries or otherwise confer some benefit on the public.
- j) Determination of purpose for which Organization or Institution is Organized and Operated -- The Department will follow the following:
- 1) "Organized" will be determined by reference to its Charter. For example, it has been held by the Supreme Court that an Elks Lodge, whose Charter stated it was incorporated for the mutual benefit and social intercourse of its members, was not "organized" exclusively for "charitable purposes", even though the corporation engaged in a considerable amount of charitable work.
 - 2) In the case of an unincorporated society, association, etc., the Constitution and Bylaws thereof will determine the purpose for which it is organized.
 - 3) To qualify for total exemption the purchaser must be organized "and operated" exclusively for charitable, religious or educational purposes.
 - k) Examples of exempt buyers/purchasers which come within this exemption are churches, Sunday Schools, Church Ladies' Aid Societies, Salvation Army and other nonprofit corporations, societies, associations, foundations and institutions organized and operated exclusively for religious purposes (but not including Ministers or other individuals when making purchases from their own funds); corporations, societies, associations, foundations and institutions organized and operated exclusively for educational purposes, whether such purchaser is organized and operated as a business enterprise or on a not-for-profit basis (but see subsection (1) below); homes for the aged which are not organized or operated as a business enterprise with a view to profit, and which otherwise qualify as charitable institutions; nonprofit corporations, societies, associations, foundations and institutions organized and operated exclusively for the purpose of scientific or literary research, or for the promotion of the benefit to the public (held to be a charitable purpose); the American National Red Cross, Community Fund of United Fund organizations, the Y.M.C.A., Boy Scouts of America (as a corporation, but not as individuals), Girl Scouts of America (as a corporation or association, but not as individuals), nonprofit Parent-Teacher Associations, the National Safety Council and similar organizations and nonprofit societies for the prevention of cruelty to children or animals (all classified as charitable); free public libraries that are not operated for profit and that are not operated by commercial enterprises (whether such libraries are governmental units or not), and local housing authorities.
 - 2) These examples are illustrative, but not exhaustive.

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- 3) To come within this exemption, the purchaser (in addition to being organized and operated exclusively for charitable, religious or "educational purposes") must be a "corporation", a "society", an "association", a "foundation" or an "institution".
- 1) "Educational purposes" and "retail sales to corporations, societies, associations, foundations and other organizations" are not to be operated exclusively for educational purposes and are not available. There is no specific exemption in the Constitution for "educational purposes" as to any kind of tax, but Section 6 of Article IX of the Illinois Constitution authorizes the General Assembly to grant a property tax exemption for property that is used for "school...purposes". Consequently, the Department will construe the Retailers' Occupation Tax exemption for "educational purposes" as meaning for "school... purposes", as the phrase "school... purposes" has been interpreted or may be interpreted by the Supreme Court. Section 2h of the Act provides the statutory definition of "a corporation, society, association, foundation or institution organized and operated exclusively for educational purposes."
- 2) The Supreme Court has said that a school is a place where students receive instruction and branches of learning is given by methods common to schools and institutions of learning and that it does not include schools for teaching dancing, riding and department. In that connection, the Supreme Court has held that an organization which conducts a four-week training school each summer for funeral directors is not a school because the course given and the intensity of their instruction do not compare favorably with those in a department of mortuary science and mortuary practice at regular colleges and universities, but represent only a superficial or brief instruction in courses constituting a minor part of the study of mortuary science.
- 3) Consequently, flying schools, driving schools, art association schools, modeling schools, charm schools, and the like are not organized and operated exclusively for educational purposes because they do not offer courses which constitute systematic instruction in certain branches by methods common to public schools and which are taught in the scope and intensity with the course of study presented in tax-supported schools within the meaning of the Retailers' Occupation Tax Act.
- 4) However, the exemption for educational purposes includes private schools (such as parochial grade and high schools, private colleges and the like) as well as government-owned tax-supported schools so long as the institution qualifies as a school as hereinabove described.
- 5) Also, the Retailers' Occupation Tax "educational purposes" exemption is not limited by the statute to nonprofit institutions. The exemption would include vocational or technical

schools or institutions organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business or commercial occupation (such as a business-operated law school) as long as the institution otherwise qualifies as a school within the meaning of this section and the Act. (See subsection (g) of this section and Section 2h of the Act.)

6) In addition for Property Tax purposes, the Supreme Court has held that an association, which is not itself a school in the ordinary sense, but which provides a substantial service in improving the educational standards of schools (such as the Association of American Medical Colleges), is within the "school purposes" exemption, so the Department will consider such an organization to be organized and operated exclusively for "educational purposes" for Retailers' Occupation Tax purposes.

7) Literary societies, though somewhat educational, are mainly for the benefit of their own members as a hobby or pastime and do not relieve the public of a duty nor contribute sufficiently to the public to qualify for an exemption, and they are not places where systematic instruction in useful branches of learning is given by methods common to schools and institutions of learning in the ordinary sense.

- m) Nonprofit Hospitals and Sanitariums
- 1) In the case of privately-owned hospitals, in addition to the fact that the hospital must be organized and operated as a nonprofit enterprise (with proceeds, if any, over expenses being put into the expansion of the hospital's services, equipment and physical plant), some of the tests which the Supreme Court has required to be met before the hospital can qualify as being organized and operated exclusively for charitable purposes are that the hospital must not discriminate against patients or doctors because of race, color, creed or religion, and that the hospital must not refuse admittance to any patient because of his inability to pay for hospital service.
 - 2) It is immaterial that most of the hospital's patients may be paying patients if the hospital does not adopt any policy which tends to prevent persons who cannot pay from seeking and obtaining admittance to the hospital.
 - 3) Delaying the admittance of nonemergency cases while the hospital makes an investigation to try to find someone who will give the prospective patient financial help has been held not to be an obstacle to admittance if the hospital does not engage in such delaying tactics in the case of emergency patients and if the hospital ultimately admits destitute patients notwithstanding the fact that they cannot pay for services and cannot procure financial help.
 - 4) A hospital does not lose its character as a charitable

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organization because of the fact that it refuses admittance to patients who are suffering from dangerously contagious diseases.

5) Government-owned hospitals are deemed by the Department to be operated exclusively for charitable purposes within the meaning of Section 1-10.

6) The principles stated in this subsection with respect to hospitals apply also to sanitariums and clinics.

n) Meaning of "Exclusively"

1) Although the provision of the Retailers' Occupation Tax Act under discussion, in excluding receipts from all sales to certain kinds of purchasers, refers to them as being organized and operated "exclusively" for charitable, religious or educational purposes, the Supreme Court has not given the word "exclusively" its most literal interpretation under similar circumstances because of the virtual impossibility of anyone being engaged "exclusively" in anything, and so the Department will follow a similar policy in applying the word "exclusively", as used in the Retailers' Occupation Tax Act and in this Section, in order to carry on the substantial intention of the General Assembly.

2) Here, if the substantial intention of the General Assembly is not charitable, religious or educational, the Department will not consider the purchaser to be organized and operated exclusively for charitable, religious or educational purposes within the meaning of the Act.

o) Educational, Scientific and Similar Institutions, Associations and Organizations Operated as "Business" Enterprises -- When Liable For Tax

Persons engaged habitually, for livelihood or gain, in hospital, educational, religious, scientific, social or cultural enterprises are among those who are engaged in a service occupation which is nevertheless a "business" within the meaning of the Act. When persons who operate businesses of the type described in the preceding sentence sell tangible personal property to purchasers for use or consumption in the service occupation, such persons do not incur Retailers' Occupation Tax liability. This is because such persons are engaged in the service occupation of "business" enterprises operating in hospitals, public pharmaceutical dispensaries or otherwise sell tangible personal property at retail to the general public, or where schools which are operated as "business" enterprises sell tangible personal property at retail to the general public or make retail sales to students of clothing, dormitory supplies or other items which cannot be said to be used "primarily for the purposes of" the school. Also, business-operated schools incur Retailers' Occupation Tax liability on their retail sales of school books and school supplies to their students and faculty members.

p) Educational, Scientific and Similar Institutions, Associations and Organizations Operated as "Business" Enterprises -- When Not Liable For Tax

Persons engaged habitually, for livelihood or gain, in hospital, educational, religious, scientific, social or cultural enterprises are among those who are engaged in a service occupation which is nevertheless a "business" within the meaning of the Act. When persons who operate businesses of the type described in the preceding sentence sell tangible personal property to purchasers for use or consumption in the service occupation, such persons do not incur Retailers' Occupation Tax liability. This is because such persons are engaged in the service occupation of "business" enterprises operating in hospitals, public pharmaceutical dispensaries or otherwise sell tangible personal property at retail to the general public, or where schools which are operated as "business" enterprises sell tangible personal property at retail to the general public or make retail sales to students of clothing, dormitory supplies or other items which cannot be said to be used "primarily for the purposes of" the school. Also, business-operated schools incur Retailers' Occupation Tax liability on their retail sales of school books and school supplies to their students and faculty members.

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1) Persons of the type described in the preceding paragraph are engaged primarily in rendering service, and, to this extent, they are engaged in a service occupation. To the extent to which they are engaged in such service occupation, they are not required to remit Retailers' Occupation Tax measured by any of their receipts which they realize from the rendering of service, including the sale of tangible personal property, to the extent that the property which they transfer to others is a necessary incident to their rendering of service. The sale of meals to patients in the furnishing of medicine for a consideration to patients in the course of treatment by business-operated hospitals and business-operated licensed nursing homes come within this service occupation exemption for Retailers' Occupation Tax purposes. However, the person engaged in such service occupation incurs Service Occupation Tax liability on his cost price of the food, medicine or other tangible personal property which such person purchases and retransfers as an incident to service to users (see Subpart A of the Service Occupation Tax Regulations, 86 Ill. Adm. Code 140).

2) Business-operated schools do not incur Retailers' Occupation Tax liability on their sales of meals in a dining facility which is limited to the use of the school, where such use is confined to the students and employees of the school.

q) Suppliers of Educational, Scientific and Similar Institutions, Associations and Organizations Operated as "Business" Enterprises

1) Suppliers of educational, scientific and similar institutions, associations and organizations operated as "business" enterprises do not incur Retailers' Occupation Tax liability when they sell tangible personal property to any such purchaser for resale either in connection with or apart from the purchaser's rendering of service to others. However, for information concerning the fact that purchases of food, medicine and other tangible personal property by business-operated hospitals or business-operated licensed nursing homes for retransfer to patients as an incident to service are subject to the Service Occupation Tax, see Subpart A of the Service Occupation Tax Regulations, 86 Ill. Adm. Code 140. The first sentence of this paragraph incurs Retailers' Occupation Tax liability when they sell tangible personal property to any such purchaser at retail (i.e., for use or consumption by the purchaser or to be given away by the purchaser, and not for resale in any form as tangible personal property), provided that the tax does not apply to receipts received by the seller from sales of any kind made to any purchaser of this character who is able to qualify as a school. In excluding, from the measure of the tax, receipts received by the seller from sales of any kind to a school, the Act does not distinguish between business and nonprofit schools.

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- 2) Nevertheless, while the Department recognizes that a purchaser may qualify as a school for exemption purposes notwithstanding the fact that the purchaser is organized as a corporation, a business enterprise, the Department takes the position that such a purchaser cannot be organized and operated exclusively for charitable or religious purposes if such purchaser is organized and operated as a business enterprise with a view to profit.
- f) Reporting -- Records -- Burden of Proof
- 1) When a seller claims exemption from the Retailers' Occupation Tax for receipts received by the seller from his sale of tangible personal property to a corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes, the seller should include such receipts in his Retailers' Occupation Tax return form but then should deduct such receipts on the line provided for that purpose in the return form (see Subpart E of this Part).
 - 2) The seller must maintain adequate books and records to sustain such deductions (see Subpart F of this Part).
 - 3) Sellers claiming the benefit of this exemption are cautioned against laxity in claiming the benefit of this exemption without verifying the status of the purchaser since the seller will have the burden of proof in establishing his right to any such claimed exemption. The Courts have held repeatedly that the burden of sustaining a right to tax exemption is on the person claiming such exemption. Tax exemption provisions in statutes are strictly construed against the taxpayer, although the words employed in such provisions will be given their commonly accepted and understood meanings.

(Source: Amended at 21 Ill. Reg.

12242

effective

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- 1) Heading of the Part: Gas Revenue Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 470
- 3) Section Numbers: Adopted Action:
470-171 New Section
- 4) Statutory Authority: 35 ILCS 615, 20 ILCS 2505/39b19
- 5) Effective Date of Amendment(s): August 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 26, 1997
- 9) Notice of Proposal Published in Illinois Register: June 6, 1997, 21 Ill. Reg. 6819
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): This rulemaking amends the Department's rules concerning the Gas Revenue Tax Act to provide rules on the exemption provided by Public Act 89-0417. An exemption is provided by Public Act 89-0417 for charges made to customers who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF REVENUE

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Terry Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 470

THE GAS REVENUE TAX ACT

- Section 470.101 Definitions
470.105 Disposition of Tax Monies
470.110 Imposition of Tax
470.115 Effective Period of Act
470.120 Returns
470.125 Gross Amount of Transactions or Billings Basis of Tax
470.130 Certificate of Registration
470.135 Intergovernmental Exemption
470.140 Books and Records
470.145 Claims to Recover Erroneously Paid Tax
470.150 Furnishing of Gas
470.155 Gas Sold to and by Building Operators
470.160 Transactions in Interstate Commerce
470.165 Sales of Gas to the United States Government
470.170 Services Furnished The State of Illinois, its Departments, Agencies, Counties, Municipalities or Other Political Subdivisions
470.175 Services Furnished to Religious, Scientific, Educational and Charitable Institutions
470.177 Exclusion for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995
470.178 Meter Readings
470.180 Services Furnished to Officers or Employees
470.185 Interdepartmental Transfers
470.190 Discounts, Penalties and Finance or Interest Charges
470.195 Sales of Appliances, Equipment or Services Subject to Other Tax Acts

AUTHORITY: Implementing the Gas Revenue Tax Act [35 ILCS 615] and authorized by Section 39b19 of the Civil Administrative Code of Illinois (20 ILCS 2505/39b19)

SOURCE: Gas Revenue Tax Regulations, adopted July 24, 1945; codified at 8 Ill. Reg. 9608; amended at 11 Ill. Reg. 18751, effective October 30, 1987; amended at 21 Ill. Reg. 12244, effective 11/1/94.

Section 470.171 Exclusion for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995

- a) Beginning with charges billed on and after January 1, 1996, any charge for gas or gas services to a customer who acquired contractual rights

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for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility, is not subject to the tax imposed by the Gas Revenue Tax Act.

- b) For the purposes of this exclusion, the following terms have the following meanings:

"Charges solely related to the local distribution of gas by a public utility" means all charges subject to the Gas Revenue Tax Act, other than charges for gas and those charges that are reflected in the purchased gas adjustment clauses described in Section 9-220 of the Public Utilities Act [220 ILCS 5/9-220].

"Customer" means a person or legal entity identified on a taxpayer's books and records as being responsible for the payment of charges for gas or gas services provided by that taxpayer.

"Direct purchase of gas or gas services originating from an out-of-State source" means the direct purchase by a customer located in Illinois of gas or gas services from a source, such as a well head, located outside of this State.

"Direct purchase of gas or gas services originating from an out-of-State supplier" means the direct purchase by a customer located in Illinois of gas or gas services from a supplier with an out-of-State physical presence.

"Public utility" means every corporation, company, limited liability company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever that owns, controls, operates or manages, within this State, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in the conveyance of gas by pipeline.

"Supplier" means a person or entity that sells gas and has taken title to or will take title to, the gas that is sold.

"Transportation account" means an account maintained by a public utility for the transportation of gas for a customer who has purchased the gas from a source other than the public utility.

- c) It is incumbent upon a taxpayer to establish that the exclusion described in this Section is available. Except as provided in subsection (d), if a taxpayer maintains in its books and records the

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certification described in subsection (e), that certification will be prima facie proof that the exclusion is available to the taxpayer in reference to the customer listed on the certification. The obtaining of such a certification does not preclude the Department from joining behind it and disregarding it if, in examining such customer's records, the Department finds that the certification was not true as to some fact or facts which show that the exclusion was not available to the customer. The Department may provide proper documentation evidencing that the exclusion was not available.

- d) If an Illinois public utility, as defined in Section 3-105 of the Public Utilities Act, establishes through its books and records that a customer maintained a transportation account with that public utility on or before March 1, 1995, that documentation will be sufficient evidence that the exclusion described in this Section is available to that public utility in reference to that customer.

e) The certification described in subsection (c) must be a written certification signed by the customer stating:

- 1) the customer's name and address;
- 2) that the customer is purchasing the gas or gas services for its own use and that the gas or gas services will not be transferred to another entity;
- 3) that the customer had acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995;
- 4) the name and address of the out-of-State supplier or source; and
- 5) the name and address of the public utility in Illinois with whom the customer had a transportation account for the transportation of such gas or gas services.

f) The exclusion is available only with respect to the customer that acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995. A qualifying customer must be the same legal entity which acquired the qualifying contractual rights. Related entities, such as subsidiaries, affiliates, or holding companies, may not claim the exclusion based upon the qualifying contract of a separate legal entity. However, legal entities that have merely changed form, such as a partnership electing to become a corporation, that retain the exact same ownership are still considered the same legal entity for purposes of this exclusion. Therefore, entities that have acquired qualifying contractual rights and entered into a new legal entity or entities will still be considered the same legal entity if the surviving entity is the entity that had acquired the qualifying contractual rights.

- g) If a customer that acquired qualifying contractual rights on or before March 1, 1995 has multiple gas or gas service accounts, then the exclusion is available to all of that customer's gas and gas service accounts.

h) If the exclusion is claimed by a taxpayer, then that taxpayer will be

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liable for tax, penalty, and interest if it is later determined that the exclusion was not available. For example, if a taxpayer claims the exclusion based on an invalid certification from a customer, then the Department will recover the tax and any applicable penalty and interest from the taxpayer. The Department is unable to assess a customer who has given an invalid certification because customers do not incur Gas Revenue Tax liability and there is no Gas Revenue Use Tax. Consequently, when the exclusion has been improperly claimed and is disallowed, the Department will assess the taxpayer and the taxpayer is authorized to make an additional charge to the customer under Section 9-222 of the Public Utilities Act (220 ILCS 5/9-222).

(Source: Added at 21 Ill. Reg. 12248, effective 12/1/97)

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers
1040.50 Adopted Action
Amendment
- 4) Statutory Authority: Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].
- 5) Effective Date of Amendments: August 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 26, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 5457 (April 25, 1997)
- 10) Has JCRR Issued a Statement of Objections to this Rule? No
- 11) Differences between Proposal and final version: All suggested stylistic and typographical changes suggested by the Joint Committee on Administrative Rules were completed.
Also, at Line 135, Paragraph (b), after "the driver's license of a person", the phrase "under Section 6-206(a)(2) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)]" was added.
Additionally, at Line 196, Paragraph (e), the word "Office" was initially capitalized and at Line 197, after the word "convictions", the phrase "issued for violations committed" was added.
- 12) Have all the changes agreed upon by the Agency and JCRR been made as indicated in the Agreement Letter issued by JCRR? Yes
- 13) Will this rule replace any Emergency Rule(s) currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

Section Number Proposed Action Illinois Register Citation

ILLINOIS REGISTER

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NOTICE OF ADOPTED AMENDMENT(S)

- 1040.20 Amendment 21 Ill. Reg. 5091 (April 25, 1997)
- 15) Summary and Purpose of Rule: This proposed rulemaking is designed to reflect departmental procedures. Statutory authority is derived from Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-401(b)] and Chapter 6 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].
- 16) Information and answers to questions regarding this Adopted Rule should be directed to:
- Mark A. Novak
Assistant Counsel to the Secretary
5701 S. Dirksen Parkway
Springfield, Illinois 62773
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	
1040.10	Court to forward licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.30	3 Or More Traffic Offenses Committed Within 12 Months
1040.31	Operating A Motor Vehicle During a Period of Suspension or Revocation
1040.32	Repetition of Offense or Revocation of Driver's License, Permits or
1040.35	Identification of an Offense Requiring Mandatory Revocation or
1040.38	Commission of an Offense Requiring Mandatory Revocation or
1040.40	Discretionary Suspension or Revocation Upon Conviction
1040.41	Commission of a Traffic Offense in Another State
1040.42	Repeated Convictions or Collisions
1040.43	Suspension of Licenses for Curfew Violations
1040.44	Fleeing and Eluding
1040.45	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension or Revocation of a License of Commercial Vehicle Driver
1040.55	Suspension or Revocation for Driver's License Classification
1040.60	Violations
1040.62	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.68	Interstate Driver's License Compact
1040.70	National Driver Register
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped
1040.100	Identification Card
1040.101	Rescissions
1040.102	Reinstatement Fees
1040.103	Bankruptcy for Suspensions, Cancellations, Failure to Pay and
1040.104	Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1973; amended at 5 Ill. Reg. 1933, effective April 1, 1981; amended at 6 Ill. Reg. 422, effective April 1, 1982; amended at 8 Ill. Reg. 1174, effective April 1, 1984; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg.

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occupation are committed within any 12-month period so as to indicate the disrespect for traffic laws and a disregard for the safety of other persons on the highways:

- b) If the Secretary of State suspends the driver's license of a person under Section 6-206(a)(2) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)] and the person drives a commercial vehicle in connection with his/her regular occupation, he/she may qualify for a Restricted Driving Permit for Occupational Driving based on the following requirements:
 - 1) 18 years of age;
 - 2) the individual must have been issued or have qualified for a valid Illinois driver's license prior to issuance of the Restricted Driving Permit for Occupational Driving;
 - 3) no outstanding criminal convictions related to any requirements for obtaining or maintaining an Illinois driver's license;
 - 4) no effective or pending suspensions, revocations, cancellations or disqualifications on the individual's Illinois driving record;
 - 5) the suspension period does not exceed 12 months;
 - 6) the suspension was the result of 3, 4 or 5 offenses which were committed within a 12-month period. If 5 offenses were committed, at least two of which occurred while operating a commercial vehicle in connection with the driver's regular occupation, the driver would not qualify for a Restricted Driving Permit for Occupational Driving;
 - 7) the individual's occupation must be full time, and one which involves driving a commercial vehicle on a regular basis. Part-time employment or a person renting a commercial vehicle under a short term lease shall not qualify.
- b) The individual shall complete and sign an affidavit prescribed by the Secretary of State certifying that he/she is eligible as a driver of a commercial vehicle and such other information as is required by the Secretary of State. The affidavit shall also be notarized by a Notary Public or signed by a Secretary of State Hearing Officer.
- 2) submit appropriate fee;
- 3) surrender current valid Illinois driver's license.

c) b) Operation of the following vehicles shall not be deemed to be the operation of a commercial vehicle:

- 1) Farm vehicle; Vehicle
- 2) Implements of husbandry.
- 3) Road machinery temporarily on the highway.
- 4) A farm tractor being operated between the home farm and adjacent or nearby farm.

e) Nor shall this exemption apply to drivers whose regular occupation is one which does not involve driving on a regular basis. Nor shall it

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- include a person who is driving a commercial vehicle as a part-time employee or only on a part-time basis, a person operating a commercial vehicle which is being rented under a lease agreement, or if the permit holder's regular occupation changes, or if the original permit is lost or stolen, the driver is required to apply for a corrected or duplicate permit in order to continue driving. The driver must qualify by meeting the requirements outlined in subsection (b) of this Section and shall submit an affidavit verifying the loss or stolen permit in order to be issued a duplicate permit, or surrender the original permit to obtain a corrected permit.
- d) In the event that any driver eligible hereunder receives a revocation or suspension for conviction of moving violations under Section 6-206(a)(2) of the Vehicle Code and he is eligible for the relief provided for hereunder, he shall, within 25 days after the mailing of such notice by the Secretary of State, apply to the Secretary of State for information furnished by the Secretary of State setting forth the requirements for a driver of a commercial vehicle and such other information as is required by the Secretary of State.
 - e) Upon receipt by this office of the 5th conviction within a 12-month period, if at least two of the convictions were issued for violations committed in his/her commercial vehicle, or a 6th conviction within a 12-month period was received and the permit was still valid, an Order of Cancellation shall be entered pursuant to Section 6-206(c)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(c)(3)].
 - e) If such affidavit is properly completed and filed within a prescribed period, the Secretary may grant a permit to drive a commercial vehicle only and only in connection with his regular occupation. The permit to drive shall not be limited geographically and thus may be used both within and without Illinois nor shall it be limited to hours of operation or as to days of operation.
 - f) A Restricted Driving Permit for Occupational Driving shall be issued to the Secretary of State receives reliable written evidence that the individual is not qualified for the permit as outlined in subsection (b) of this Section.
 - g) This permit shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of disqualification of commercial driving privileges under Section 6-514 [625 ILCS 5/6-507 and 6-514].
 - h) Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 of the Vehicle Code and upon conviction thereof shall have all driving privileges revoked without further rights [625 ILCS 5/6-302].

(Source: Amended at 21 Ill. Reg. 1004, effective July 2, 1981)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

- 1) **Heading of the Part:** Job Training and Economic Development Demonstration Grant Program

- 2) **Code Citation:** 56 Ill. Adm. Code 2660

- 3) **Section Numbers:**

Section Numbers:	Proposed Action:
2660.10	New
2660.20	New
2660.30	New
2660.40	New
2660.110	New
2660.120	New
2660.130	New
2660.140	New
2660.150	New
2660.160	New
2660.170	New
2660.180	New
2660.210	New
2660.220	New
2660.230	New
2660.240	New
2660.250	New
2660.260	New
2660.270	New

- 4) **Statutory Authority:** 20 ILCS 605/46.19j

- 5) **Effective Date of Rules:** August 25, 1997

- 6) **If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it will expire:** Not to expire before 150-day period

- 7) **Date Filed in Agency's Principal Office:** August 18, 1997

- 8) **Reason for Emergency:** On August 17, 1997, Governor Edgar signed legislation creating the new Job Training and Economic Development Demonstration Grant Program. The new legislation requires DCCA to adopt rules and create a competitive application process for the grant funds awarded beginning fiscal year 1998. Pursuant to the requirements of the legislation, the Department of Commerce and Community Affairs (DCCA) is required to award no less than 12 and no more than 20 grants to Community Based Providers. Grant funds have been appropriated to DCCA for fiscal year 1998. FY98 grant funds must be expended by June 30, 1998. In the absence of these Emergency Rules, the creation of the competitive grant application process will be delayed which, in turn, will jeopardize the ability of DCCA to award FY98 grant funds in a timely manner. In the

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absence of these Emergency Rules, FY98 funds may not, therefore, be fully utilized in accordance with the intent of the legislation. These Emergency Rules specify the competitive grant process as required by statute.

- 9) **Complete Description of the Subjects and Issues Involved:** This rulemaking specifies competitive procedures for the award of grants for the planning and delivery of job training programs designed and implemented in partnership with local employers. This rulemaking specifies: program purpose; definitions; eligible applicants; application process; grant administration; grant activities and costs; reporting requirements; and, grant selection criteria.

- 10) **Are there any Proposed Amendments to this Part?** No

- 11) **Statement of Policy Objectives:** This rulemaking does not create or expand a State Mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805).

- 11) **Information and questions regarding this Emergency Rule shall be directed to:**

James A. O'Brien
Department of Commerce and Community Affairs
Job Training Division
420 North Dearborn Street, S-4
Springfield, IL 62701
217-785-6225
Fax: 217-785-6454
TDD: 217-785-6055

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

CHAPTER III: Department of Commerce and Community Affairs
TITLE 56: Labor and Employment

PART 2660

Job Training and Economic Development Demonstration Grant Program

SUBPART A: General Requirements

Section	Purpose
2660.10	Definitions
2660.20	Eligible Grant Applicants
2660.30	Administration Requirements
2660.40	

EMERGENCY

SUBPART B: Industry Linked Training for Low Wage Workers

Section	Program Goal
2660.110	Application Procedures
2660.120	Allowable Activities
2660.130	Allowable Costs
2660.140	Employer Role
2660.150	Participant Eligibility
2660.160	Employer Eligibility
2660.170	Grant Selection Criteria
2660.180	
2660.190	

EMERGENCY

SUBPART C: Industry Linked Training for Unemployed Disadvantaged Persons

Section	Program Goal
2660.210	Application Procedures
2660.220	Allowable Activities
2660.230	Allowable Costs
2660.240	

EMERGENCY

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NOTICE OF EMERGENCY RULES

EMERGENCY	Employer Role
2660.250	Participant Eligibility
2660.260	Grant Selection Criteria
2660.270	

EMERGENCY

AUTHORITY: Implementing Section 46.19] of the Civil Administrative Code of Illinois [20 ILCS 605/46.19] and authorized by Section 46.20 of the Civil Administrative Code of Illinois [20 ILCS 605/46.20].

SOURCE: Adopted by emergency at 21 Ill. Reg. 12258, effective August 25, 1997, for a maximum of 150 days.

SUBPART A: GENERAL REQUIREMENTS

Section 2660.10 Purpose

EMERGENCY

Establish and expand partnerships between community-based providers and local employers to develop training programs for unemployed disadvantaged persons and train existing low skill, low wage employees and newly hired disadvantaged persons to meet the skill needs of local industry.

Section 2660.20 Definitions

EMERGENCY

a) Community-based Provider - A not-for-profit organization, with a local board of directors, that directly provides job training services. The not-for-profit organization must have a history of serving disadvantaged persons, including welfare recipients.

b) Department - The Department of Commerce and Community Affairs (DCCA)

c) Director - The Director of the Department of Commerce and Community Affairs

d) Disadvantaged Person - An individual who:

- 1) receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program.
- 2) has, or is a member of a family which has, received a total family income for the six month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not the excess of the higher of (1) the

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NOTICE OF EMERGENCY RULES

official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Reconciliation Act of 1981 (422 U.S.C. 9902(2)), or (ii) 70 percent of the lower living standard income level;

- 3) is receiving (or has been determined, within the last six month period prior to the application for the program involved, to receive) food stamps pursuant to the Food Stamp Act of 1977;
- 4) qualifies as a homeless persons under subsection (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act;
- 5) is a foster child on behalf of whom State or local government payments are made; or
- 6) in cases permitted by the Secretary is an individual with a disability whose own income meets the requirements of clause (1) or (2), but who is a member of a family whose income does not meet such requirements.

e) Economic Development Organization - includes local planning or community development organizations, and other local organizations and institutions responsible for promoting, or assisting in local economic development.

f) Grantee - Any applicant for a grant under this program whose proposal is funded by the Department.

g) JTPA - The Federal Job Training Partnership Act.

h) Low wage - An hourly wage rate (or equivalent) that is equal to, or less than, 150% of the Federal minimum wage (excluding fringe benefits).

i) Secretary - Secretary of the U.S. Department of Labor.

j) Training Partners - A Community-based Provider and one or more employers who have established training and placement linkages.

Section 2660.30 Eligible Grant Applicants

EMERGENCY

An eligible applicant for a grant under the Job Training and Economic Development Demonstration Grant Program shall be a community-based provider.

Section 2660.40 Administrative Requirements

EMERGENCY

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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a) Audits - The Department reserves the right to conduct specific audits at any time during normal working hours of funds expended under Department grants (e.g., evidence of fraud or abuse).

b) Monitoring - The Department will ensure that periodic on-site grant monitoring visits are conducted by the Department during the course of the grant period. The Department shall verify that the Grantee's financial management system is structured to provide accurate, current, and complete disclosure of grant expenditures and that all grantures are in accordance with all provisions, terms, and conditions contained in the grant agreement. The Department shall also verify that participant files are maintained and contain documentation sufficient to demonstrate that individuals receiving training were, at the time the training was provided, low wage workers, recently hired disadvantaged persons, or unemployed disadvantaged persons.

c) Reporting - The Grantee shall submit the following reports to the Department:

- 1) within 45 days after the end of each quarter, a written description of achievements as compared to the planned scope of the work;
- 2) within 45 days after each quarter, a summary of grant expenditures as compared to quarterly planned expenditures; and
- 3) within 60 days of the end of the grant period, a final written report of the grant activities and accomplishments, accompanied by all deliverable products as specified in the grant agreement.

The Department reserves the right to withhold any future year funding for non-compliance with these provisions.

d) Reimbursement Requests - The Department, at the request of the Grantee, may provide the Grantee a cash advance up to 25% of the grant award to facilitate start-up activities. All subsequent requests must be on a cost reimbursement basis. Grantees may request reimbursement for eligible grant costs from the Department on quarterly basis in accordance with a schedule negotiated with the Grantee and included in the grant agreement. Requests for reimbursement shall be supported with a narrative report as described in section 2660.50(c).

e) Grant Close-out - The Grantee shall be responsible for completing the grant close-out package which shall be provided by the Department, and identifying the financial status of these grant funds. The grant, and the associated obligations, shall be closed within 45 days after the expiration of the grant, whichever is first, shall be refunded to the Department any balance of funds which were unexpended or unobligated at the end of the grant period. In addition, the Grantee shall repay the Department for any funds determined by the Department to have been spent in violation of the grant agreement. If the grant should terminate for any reason, the close-out package shall be due within 45 days after the date of termination.

f) Record Retention - Grantees shall retain all records for a period of five years from the expiration date of the grant, or three years after

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the final resolution of a grant related audit whichever is later.

SUBPART B INDUSTRY LINKED TRAINING FOR LOW WAGE WORKERS

Section 2660.110 Program Goal

EMERGENCY

Establish or expand partnerships between community-based providers and employers to train existing low skill, low wage employees and newly hired disadvantaged persons to meet the skill needs of local industry and increase the earnings of the workers.

Section 2660.120 Application Procedures

EMERGENCY

Contingent upon the availability of funds, the Department shall annually issue a Request for Proposal (RFP) to interested community-based providers. The RFP shall contain the available RFP information and the list of community-based providers for this purpose. The Department shall review all applications submitted in accordance with RFP instructions and make all grant awards on a competitive basis. The RFP shall include but is not limited to:

- a description of the purpose of the grant program;
- a discussion of activities and costs eligible for reimbursement;
- a format for preparation of grant applications including:
 - a description of the community-based provider;
 - a narrative description of the proposed training program (including the targeted industries and occupations, the curriculum, and the role of local employers in the delivery of training);
 - the specific activities and costs proposed for grant reimbursement;
 - projected outcomes from grant activities including a description of deliverable products, the number of low wage and recently hired disadvantaged persons to be trained and the likely affect training will have on their future earnings;
 - a description of the qualifications of key personnel to be assigned to the project;
 - a requested budget; and
 - supporting budget justification; and
- a schedule for the submittal, review, and selection of grant applicants for funding.

Section 2660.130 Allowable Activities

Grantees may undertake all reasonable and necessary activities required to:

- develop training curricula specific to the skill needs of specific

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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employers appropriate for low skilled, low wage employees and recently hired disadvantaged persons;

- provide industry linked skill training to low wage employees and recently hired disadvantaged persons; and
- work cooperatively with local employers to evaluate and refine training programs for low wage employees and recently hired disadvantaged persons, that will assist the targeted industries meet skill shortages.

Section 2660.140 Allowable Costs

EMERGENCY

Allowable grant costs include:

- expenses to design training curricula and related materials;
- expenses to provide industry linked skill training to low wage employees and recently hired disadvantaged persons (e.g., instructor costs and curriculum materials);
- expenses for the ongoing evaluation and refinement of the curricula and related materials;
- expenses for ongoing coordination of the Training Partners; and
- expenses incurred to meet grant administration requirements.

Section 2660.150 Employer Role

EMERGENCY

The work plan must provide for:

- involvement of local employers in identifying the specific skill needs;
- involvement of local employers in planning the curricula;
- use of instructional materials directly used by the employer in the targeted industry;
- the employer to directly assist in the training activities (e.g., participate as instructors or use employer equipment and technology); and
- attention and promotion of workers, including recently hired disadvantaged persons after receipt of training through the program.

Section 2660.160 Participant Eligibility

EMERGENCY

Eligible participants for training under this program include:

- existing low wage employees in the targeted industry; and
- disadvantaged persons recently hired into jobs in the target industry.

Section 2660.170 Employer Eligibility

EMERGENCY

Employers with less than 250 full-time workers may participate in the Industry

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

Linked Training for Low Wage Workers program.

Section 2660.180 Grant Selection Criteria

EMERGENCY

The Department shall consider the following criteria to make funding decisions:

- the experience of the community-based provider serving low wage, low skilled workers and disadvantaged persons, including welfare recipients;
- the level of participation of local employers in the Training Partnership and proposed work plan;
- the amount of matching funds (either cash or in-kind) provided by the local employers;
- the likelihood that training will result in increased earnings for the participants;
- the qualifications of personnel assigned to the proposed project;
- the quality of the proposed curricula and related materials; and,
- reasonableness of the proposed costs in relation to the number of low wage workers and disadvantaged persons to be trained.

SUBPART C: Industry Linked Training for Unemployed Disadvantaged Persons

Section 2660.210 Program Goal.

EMERGENCY

Establish or expand partnerships between community-based providers, economic development organizations, and local employers to develop training programs for unemployed disadvantaged persons to meet the skill needs of local industry.

Section 2660.220 Application Procedures

EMERGENCY

Contingent upon the availability of funds, the Department shall annually issue a Request for Proposal (RFP) to interested community-based providers. The Department shall advertise the availability of the RFP and maintain a bidders list of community-based providers for this purpose. The Department shall review all applications submitted in accordance with RFP instructions and make all grant awards on a competitive basis. The RFP shall include but is not limited to:

- a description of the grant program;
- a discussion of activities and costs eligible for reimbursement;
- a format for preparation of grant applications including:
 - a description of the community-based provider;
 - a description of the partnership agreement with local businesses and organizations;
 - a narrative description of the proposed industry linked program to be developed including identification of targeted industries and occupations.

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- a description of the local employer(s) role in assessing skill needs, curriculum development, the provision of training and placement of program completers,
- the specific activities and costs proposed for grant reimbursement,
- projected outcomes from grant activities including a description of deliverable products, the number of participants to be placed in employment, and the average wage at placement,
- a description of the qualifications of personnel to be assigned to the project,
- a requested budget, and,
- a schedule for the submittal, review, and selection of grant applicants for funding.

Section 2660.230 Allowable Activities

EMERGENCY

Grantees may undertake all reasonable and necessary activities required to:

- assess the employment barriers of local residents who are unemployed or disadvantaged persons;
- work cooperatively with local economic development organizations to identify the unmet skill needs of one or more local industries;
- work cooperatively with local employers from those industries to design and deliver training programs for disadvantaged persons that will assist the targeted industries in meeting skill shortages; and
- placement of program completers into jobs in the targeted industries.

Section 2660.240 Allowable Costs

EMERGENCY

Allowable grant costs include:

- expenses for the design and implementation of a needs assessment to determine specific skill shortages being experienced by one or more local industries;
- expenses for the design and implementation of a needs assessment to determine the education and training needs of disadvantaged persons relative to the skill needs of local industries;
- expenses for the design of curricula and related materials for training programs designed for disadvantaged persons to prepare them to meet identified skill labor shortages;
- expenses for the delivery of the industry linked training to unemployed persons and placement of program completers into jobs in the targeted industries;
- expenses for ongoing coordination of the Training Partners; and
- expenses incurred to meet grant administration requirements.

Section 2660.250 Employer Role

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EMERGENCY

The curriculum and training plan must provide for:

- a) involvement of local employers in identifying the specific skill needs;
- b) consent of local employers in planning the curricula;
- c) use of instructional materials directly used by the employer in the targeted industry;
- d) the employer to directly assist in the training activities (e.g., participate as instructors or use employer equipment and technology); and
- e) placement of trainees who successfully complete training into jobs in the targeted industries.

Section 2660.260 Participant Eligibility**EMERGENCY**

Eligible participants for training under this program include unemployed disadvantaged persons.

Section 2660.270 Grant Selection Criteria**EMERGENCY**

The Department shall consider the following criteria to make funding decisions:

- a) experience of the community-based provider serving disadvantaged persons, including welfare recipient;
- b) level of participation of local employers in the Training Partnership and proposed work plan;
- c) likelihood of placement of disadvantaged persons in the specific target occupations within the targeted industries and the average wage at placement;
- d) qualifications of personnel assigned to the proposed project;
- e) technical quality of the proposed work plan; and
- f) reasonableness of the proposed costs.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PUBLIC HEARING ON PROPOSED RULE

- 1) Heading of the Part: Universal Service

- 2) Code Citation: 83 Ill. Adm. Code 765

- 3) Register Citation to Notice of Proposed Rule: 21 Ill. Reg. 11378, August 15, 1997

- 4) Date, Time and Location of Public Hearing:

September 11, 1997

1:30 p.m.

Illinois Commerce Commission

527 East Capitol Avenue

Springfield, IL 62701

- 5) Other Pertinent Information: A telephone hook-up will be available in the Chicago offices of the Commission, the State of Illinois Building, 160 North LaSalle Street, Suite C-800, Chicago, IL.

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION
PRIVATE LETTER RULINGS
AREAS OF NON-ISSUANCE

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ICS 2515/1 et seq.

2. Summary of information:

The Illinois Department of Revenue has established a list of areas under the jurisdiction of the Associate Chief Counsel (Income Tax) for which private letter rulings will not be issued.

3. Background and Scope:

Whenever appropriate in the interest of sound tax administration, it is the policy of the Illinois Department of Revenue to answer inquiries of individuals and organizations regarding their status for tax purposes and the tax effects of their acts or transactions, prior to the filing of returns or reports that are required by the Illinois Income Tax Act. The Department has adopted rules on the subject of letter rulings and other information issued by the Department. Those rules are found at 2 Ill. Adm. Code 1200.

The Legal Services Office issues two types of letters in response to requests for rulings or information: private letter rulings and general information letters. General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups (see 2 Ill. Adm. Code 1200.120(a)). Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling (see 2 Ill. Adm. Code 1200.110(a)).

There are certain areas in which, because of the inherently factual nature of the problem or for other reasons, the Illinois Department of Revenue will not issue private letter rulings. Some of these areas are set forth in this Notice of Public Information. Section 5 reflects those areas in which private letter rulings will not be issued.

Taxpayers should be aware that consistent with this Notice of Public

DEPARTMENT OF REVENUE
NOTICE OF PUBLIC INFORMATION
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Information, any private letter rulings issued pursuant to 2 Ill. Adm. Code 1200.110 in any of the areas listed in Section 5 will be revoked. Taxpayers and taxpayer representatives to whom these private letter rulings have been issued will be notified of the revocation of these private letter rulings in writing.

With respect to the areas listed in Section 5, the public may refer to rules in the Illinois Administrative Code to obtain general guidance concerning the Department's policies and procedures. In addition, the Department has the discretion to issue general information letters in response to requests from the public to provide general background information on these topics.

Additions or deletions to this list of no-ruling areas will be made by issuance of subsequent Notices of Public Information. This list should not be considered all-inclusive. Decisions not to issue private letter rulings in individual cases are not reported by Notice of Public Information. Whether to issue a private letter ruling in response to a letter ruling request is within the discretion of the Department. The Department will respond to all requests for private letter rulings either by issuance of a ruling or by a letter explaining that the request for ruling will not be honored (see 2 Ill. Adm. Code 1200.110(a)(4)).

4. Scope of this Notice of Public Information:

This Notice of Public Information does not preclude the submission of requests for general information letters to the Department. However, general information letters do not constitute statements of agency policy that apply, interpret, or prescribe the tax laws administered by the Department. General information letters are not binding on the Department, may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights under the Taxpayer's Bill of Rights.

5. Areas in Which Private Letter Rulings Will not be Issued:

- a. Income Tax Nexus - The Department of Revenue will not issue private letter rulings with respect to whether a particular taxpayer has, or does not have, income tax nexus with this state. Determinations of nexus are inherently fact-intensive and may be made only in the context of an audit where the Department's auditor has access to all of the facts and circumstances. The Department is in the process of developing rules on the subject

DEPARTMENT OF REVENUE

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PRIVATE LETTER RULINGS

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of income tax nexus.

- b. **Unitary Determinations** - The Department of Revenue will not issue private letter rulings with respect to whether a particular group of taxpayers have a unitary relationship. The determination of whether particular taxpayers are unitary may be made only in the context of an audit where the Department's auditor has access to information concerning all of the relevant facts and circumstances. The Department has rules on the definition of the term "unitary business" at 86 Ill. Adm. Code 100.9700.

- c. **Residency** - The Department of Revenue will not issue private letter rulings on the issue of whether a particular taxpayer is a resident of this State. The determination of whether a particular taxpayer is an Illinois resident is inherently fact intensive and may vary with the facts and circumstances. Therefore, the Department's auditor has access to information concerning all of the relevant facts and circumstances. The Department has rules on the definition of the term "resident" under the Illinois Income Tax Act at 86 Ill. Adm. Code 100.3020.

- d. **Business or Nonbusiness Income** - The Department of Revenue will not issue private letter rulings with respect to whether an item of income is properly characterized as business income or nonbusiness income or with respect to whether any item of deduction is applicable to items of business or nonbusiness income. The determination of whether an item of income is business or nonbusiness income and the proper allocation of deductions may be made only in the context of an audit where the Department's auditor has access to information concerning all relevant facts and circumstances. The Department has rules on the definition of the terms "business income" and "nonbusiness income" at 86 Ill. Adm. Code 100.3010.

- e. **Federal Income Tax Issues** - The Illinois taxable income of a taxpayer is based on the adjusted gross income or taxable income of that taxpayer as determined for federal income tax purposes and the meanings of many of the terms in the Illinois Income Tax Act are derived from the Internal Revenue Code. The Department of Revenue can issue private letter rulings based on representations of the federal tax characterization or consequences of a transaction. However, the Department of Revenue cannot rule on federal income tax issues and any private letter ruling based on a representation regarding a Federal

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NOTICE OF PUBLIC INFORMATION

PRIVATE LETTER RULINGS

AREAS OF NON-ISSUANCE

income tax issue is necessarily conditioned on the accuracy of that representation.

6. **Drafting Information:**

The principal drafter on this Notice of Public Information is:

Keith Staats
Associate Chief Counsel (Income Tax)
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7055

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

AUGUST 1997 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Data Collection (77 Ill. Adm. Code 2510, et al.)

1) Rulemaking:

- A) Description: All Rules will be reviewed and purged of outdated citations; in addition, language will be updated and revised as necessary to reflect changes occurring in the period from initial rule development to the present, as well as House Bill 2587.

- B) Statutory Authority: Implementing and authorized by the Illinois Health Finance Report Act.

- C) Scheduled meeting/hearing date: Emergency Rules have been filed and the proposed rule changes will be reviewed in a public meeting of the Rules Committee of the Illinois Health Care Cost Containment Council (IHCCC) in August 1997. The proposed rules will also be reviewed in public by the Council at its August 1997 meeting.

- D) Date agency anticipates first notice: August 26, 1997

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Norman Roughley
4500 South Sixth Street Road
Springfield, IL 62703
(217) 786-7001, Ext. 108

- G) Related rulemakings and other pertinent information: Rules revisions are intended as a general cleanup and in response to the passage of House Bill 2587 in order to keep rules language current and applicable to the changing healthcare environment.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 19, 1997 through August 25, 1997 and have been scheduled for review by the Committee at its September 16, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/3/97	Secretary of State, Certificates of Title, Registration of Vehicles (92 Ill Adm Code 1010)	6/27/97 21 Ill Reg 7846	9/16/97
10/3/97	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	3/7/97 21 Ill Reg 2913	9/16/97
10/4/97	Department of Revenue, Hotel Operators' Occupation Tax Act (86 Ill Adm Code 480)	10/4/96 20 Ill Reg 13035	9/16/97
10/5/97	Department of Public Aid, Long Term Care Reimbursement Changes (89 Ill Adm Code 153)	6/27/97 21 Ill Reg 7840	9/16/97
10/5/97	Department of Public Aid, Practice in Administrative Hearings (89 Ill Adm Code 104)	7/7/97 21 Ill Reg 8207	9/16/97
10/8/97	Department of Telecommunications, Excise Tax (86 Ill Adm Code 495)	4/25/97 21 Ill Reg 5085	9/16/97

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 30 III. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jntale@egate.sos.state.il.us (Internet address).

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ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.

____1977-1978____1979____1980____1981____1982____1983____1984____1985____1986
____1987____1988____1989____1990____1991____1992____1993____1994____1995

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

____1981____1982____1983____1984____1985____1986____1987____1988____1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

____1984____1985____1986____1987____1988____1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.

____1990____1991____1992____1993____1994____1995____1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @\$10.00 EACH.

____(VOLUME #)

____(ISSUE #)

____(ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

____NEW

____RENEWAL

ANNUAL SUBSCRIPTION TO THE ILLINOIS ADMINISTRATIVE CODE ON CD-ROM; COMPLETELY UPDATED EDITION PUBLISHED QUARTERLY
@\$290.00 FOR 4 QUARTERLY EDITIONS

TOTAL AMOUNT OF ORDER: \$ _____

____CHECK____VISA____DISCOVER____CARD #: _____

EXPIRATION DATE: _____ SIGNATURE: _____

(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
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